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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K. and
T.D.,

NO. 04-2338 RSM

Plaintiffs,

vs.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDS, a Utah
corporation,

Defendants.

DECLARATION OF MICHAEL T. PFAU
RE: PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTIONS IN LIMINE

NOTED FOR HEARING:
SEPTEMBER 15, 2006

I, MICHAEL T. PFAU, being first duly sworn on oath, deposes and says:

1. I am one of the attorneys for plaintiff in the above-entitled matter; I make this declaration based on my own personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of the following pages from the deposition of Jack Loholt: 90, 146, 147 and 172.

3. Attached hereto as **Exhibit B** is a true and correct copy of the following pages from the deposition of Dorothy Kelly: 6, 7, 8 and 10.

PFAU DECL. RE: PLTF.'S OPP. TO DEF.S' MTNS IN LIMINE - 1 of 2
(04-2338RSM)
[169790 v02.doc]

LAW OFFICES
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PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 • FACSIMILE (206) 676-7575

4. Attached hereto as **Exhibit C** is a true and correct copy of the following pages from the deposition of R.K. 22

5. Attached hereto as **Exhibit D** is a true and correct copy of the following pages from the deposition of Donald Boren: 30

6. Attached hereto as **Exhibit E** is a true and correct copy of the following pages from the deposition of Faye Miller: 13, 14, 15, 16, 17 and 18.

7. Attached hereto as **Exhibit F** is a true and correct copy of the introductory pages to the Encyclopedia of Mormonism, including the acknowledgements and preface.

8. Attached hereto as **Exhibit G** is a true and correct copy of the introductory pages to the Handbook of Instructions.

9. Attached hereto as **Exhibit H** is a true and correct copy of the following pages from the deposition of Lloyd Hale: 19, 20, 21, 22, 23, 24 25 and 42.

10. Attached hereto as **Exhibit I** is a true and correct copy of the following pages from the deposition of Yvonne Shepard: 22, 32, 33, 35, 36, 41 and 66.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED at Seattle, Washington, this 12th day of September, 2006.

/s/ Michael Pfau

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
)
Plaintiffs,)
)
vs.) No. C04-2338RSM
)
THE CORPORATION OF THE)
PRESIDENT OF THE CHURCH OF)
JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation)
sole, a/k/a the "MORMON)
CHURCH," LDS SOCIAL SERVICES,)
a/k/a LDS FAMILY SERVICES,)
a Utah corporation,)
)
Defendants.)

VIDEOTAPED DEPOSITION OF JACK A. ONEFREY

January 27, 2006

Seattle, Washington

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Jack A. Onefrey
January 27, 2006

Exhibit A-3

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Page 90	Page 92
1 Q On his property? 2 A Yeah. That's all I did. 3 Q Did Dr. Allenbach talk with you about the plans he had 4 for building other structures on the property? 5 A No. 6 Q Did he at some point later? 7 A Yes. 8 Q Okay. And what were his plans? 9 A I'm not sure what his plans were. Just that on a 10 piece of property, I tore down a building and I 11 reassembled it out there. 12 Q So one of the things you did -- was that one of the 13 first things you did, was to tear down a building and 14 reassemble it on his property? 15 A Yes. 16 Q Okay. Was that before or after you were living there? 17 A After. 18 Q How long did you live at the Allenbach -- 19 A About three and a half years. 20 Q Now, eventually the Allenbach property had two more 21 duplex structures on it, didn't it? 22 A Yes. He -- 23 Q Did you help build those? 24 A No. 25 Q Okay. Were those being built during the time that you	1 A Yes. 2 Q And so they would stay with you in that apartment? 3 A No. I had long since -- 4 Q Okay. So they -- 5 A -- moved. 6 Q -- moved into the apartment attached to the main house? 7 A Well, actually, they -- they moved in when I was in 8 Canada. 9 Q Okay. Well, with respect to the time period that you 10 lived at the Allenbach house, did you only live there 11 one time? 12 A Yes. 13 Q Okay. And that would have been roughly what time 14 period? 15 A Oh, are you looking for a date or something? 16 Q Well, we talked about your having spent three years in 17 the trailer before you moved to the Allenbachs', and 18 that would have been approximately 1969 or 1970? 19 A Okay. 20 Q And you moved into that apartment attached to the 21 house. How long did you stay there? 22 A I said three and a half years. 23 Q For three and a half years? 24 A Yeah. 25 Q And then where did you move?
Page 91	Page 93
1 lived there? 2 A No. 3 Q Came after you left? 4 A Yes. 5 Q What were the other structures that were eventually 6 built on the property? 7 A Who? 8 Q The other structures? 9 A What about them? 10 Q What were they? 11 A There were like little apartments for his mother and 12 his aunt. 13 Q Did Mormon missionaries sometimes live in those 14 structures? 15 A After -- no. No, they didn't. 16 Q They didn't? 17 A No. 18 Q There were no Mormon missionaries that stayed in those 19 apartments? 20 A They stayed where I stayed. 21 Q Where did -- which was where? 22 A The main house underneath the big bedroom. 23 Q And these would be missionaries that would come into 24 the area to serve their mission, and that's where they 25 would stay?	1 A Just about a mile down the road. I bought a house. 2 It has long since been torn down, so you probably 3 don't have a picture of it. 4 Q Do you know the address? 5 A No. 6 Q You say it was about a mile away? 7 A (Witness nods head.) 8 Q Did you buy that house -- 9 MR. WOLFE: Speak up. 10 Q (By Mr. Kosnoff) Did you buy that house from Dr. 11 Allenbach? 12 A No. 13 Q How many years did you stay in that house? 14 A Nine. 15 Q Did you live alone, or did you have a roommate? 16 A I lived alone. 17 Q Did Dr. Allenbach also build a sports field on his 18 property? 19 A Yes. 20 Q Did you help him build that? 21 A No. 22 Q What kind of sports field was it? 23 A Baseball. 24 Q And were games played there? 25 A I don't know.

24 (Pages 90 to 93)

Jack A. Onefrey
January 27, 2006Exhibit A-4

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Page 146	Page 148
<p>1 we're trying to establish.</p> <p>2 MR. NASH: Well, then we'll wait and</p> <p>3 reserve the issue.</p> <p>4 Q (By Mr. Kosnoff) What was the -- what was the time</p> <p>5 period that you went to -- the one year that you were</p> <p>6 going to LDS Social Services?</p> <p>7 A I can't remember when that was.</p> <p>8 (Mr. Frey enters.)</p> <p>9</p> <p>10 Q (By Mr. Kosnoff) Was it -- how soon after you were</p> <p>11 removed as scoutmaster -- assistant scoutmaster in</p> <p>12 February of 1973?</p> <p>13 A I really can't remember the -- the date.</p> <p>14 Q But was it soon after that?</p> <p>15 A I have two recollections, and I really don't know.</p> <p>16 Q Okay. Let's talk about the first recollection you</p> <p>17 have. What is the first recollection you have?</p> <p>18 A That I might have gone right after Bishop Borland.</p> <p>19 Q And the second recollection?</p> <p>20 A It might have been after that sometime somewhere.</p> <p>21 Q Do you think there may have been more than two times</p> <p>22 you went to LDS Social Services, that is, two separate</p> <p>23 periods of counseling?</p> <p>24 A I only went one period, but I don't know where in</p> <p>25 the...</p>	<p>1 during a period of time after Ken Fleming joined the</p> <p>2 church in 1972 that you were the scoutmaster and that</p> <p>3 scout meetings were taking place at your house.</p> <p>4 Did scout meetings take place at your house?</p> <p>5 A No.</p> <p>6 Q You have no recollection of holding any scout functions</p> <p>7 at your house?</p> <p>8 A Not official.</p> <p>9 Q Okay. What about unofficial?</p> <p>10 A They wanted to know if they could come over and eat</p> <p>11 pizza, if they bring their own pizzas and that. So</p> <p>12 there was several of the boys that came over.</p> <p>13 Q And would you -- would you treat this as a scout</p> <p>14 meeting?</p> <p>15 A No. It's just -- just -- I'm not sure what they --</p> <p>16 you'd call it.</p> <p>17 Q Did you tell their parents or announce to the ward that</p> <p>18 this was a scout meeting that was taking --</p> <p>19 A No.</p> <p>20 Q -- place at your house?</p> <p>21 A It's just something that they asked me if they could</p> <p>22 do. And I think twice they came over.</p> <p>23 Q So you only remember two occasions where that happened</p> <p>24 at your house?</p> <p>25 A Yes, because they were throwing snowballs at cars, so</p>
Page 147	Page 149
<p>1 Q From the time that you started going to LDS Social</p> <p>2 Services, were you also prevented from taking sacrament</p> <p>3 in the church?</p> <p>4 A There was a time.</p> <p>5 Q Was it about the same time period?</p> <p>6 A Well, it -- it started right away.</p> <p>7 Q Not being permitted to take sacrament?</p> <p>8 A Right. I wasn't worthy to take it.</p> <p>9 Q Did anybody in the congregation speak to you or comment</p> <p>10 about the fact that you were not taking sacrament?</p> <p>11 A No.</p> <p>12 Q After you returned from LDS Social Services, did you</p> <p>13 continue to molest children?</p> <p>14 A I didn't hear that.</p> <p>15 Q After the one year period of time that you spent at LDS</p> <p>16 Social Services, did you continue to molest children in</p> <p>17 the Kent 2nd Ward?</p> <p>18 A Not for a long time.</p> <p>19 Q How long a period of time did you go without molesting</p> <p>20 children?</p> <p>21 A That I'm not sure.</p> <p>22 Q What's your -- who is the first person you recall</p> <p>23 molesting after you went to LDS Social Services?</p> <p>24 A Rickie Allenbach.</p> <p>25 Q Okay. Now, there's been testimony in this case that</p>	<p>1 that ended that.</p> <p>2 Q So it's your testimony that there were not regular</p> <p>3 scout meetings held at your house?</p> <p>4 A No. That's right.</p> <p>5 Q And that all the scout meetings, the regular scout</p> <p>6 meetings, took place at the chapel?</p> <p>7 A Yes.</p> <p>8 Q When you were holding scout meetings or taking kids on</p> <p>9 scout outings, were there occasions when you were the</p> <p>10 only adult scout leader present?</p> <p>11 A I can't remember being alone.</p> <p>12 Q You can't remember one occasion where you were alone</p> <p>13 with boys?</p> <p>14 A No. There was always the scoutmaster, the assistant</p> <p>15 scoutmaster there. Anything -- any time I might have</p> <p>16 been alone with them was on my own.</p> <p>17 Q On your own?</p> <p>18 A How would you say it? I'd invite them or they asked</p> <p>19 me if they could come along.</p> <p>20 Q How did you invite 11 and 12 year old boys?</p> <p>21 A Well, they liked me quite a bit. I was good to them</p> <p>22 in a lot of ways. And so they would just ask if they</p> <p>23 could -- if I was going up to the mountains to work on</p> <p>24 my cabin or something, if they came along, or they'd</p> <p>25 ask me if they could come over and work on their merit</p>

Jack A. Onefrey
January 27, 2006Exhibit A-5

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Page 170	Page 172
1 Q Was this during the period of time when you were living 2 with them before you went to Canada?	1 I was cutting lumber for him. He had a bunch of logs 2 I cut up. And then I moved off of there. Wasn't 3 there very long.
3 A No. I was living at my place, but they had a trailer 4 on my property.	4 Q Were there any children living there at the -- I'm 5 going to call it a compound because I know there were 6 multiple residences on there by then; correct?
5 Q Oh, I see. So they were living in a trailer on your 6 property?	7 A Yeah. There was -- the only one there was Josh. 8 That's Dr. Allenbach's daughter's son.
7 A Yeah.	9 Q So their grandchild?
8 Q And kids were coming around, and they didn't like that?	10 A Yeah.
9 A Right.	11 Q Is that Jan's son?
10 Q And your father spoke to you about that?	12 A Yes.
11 A No. He told them to leave.	13 Q How old was he at the time?
12 Q He told them to leave?	14 A About five.
13 A Yeah. And he didn't say too much, but just any kids 14 come around, he told them to go home.	15 Q Okay. Now, at some point in time after you came back, 16 you came into contact with another family in the church 17 by the name of Wieder?
15 Q What kids were coming around at that period of time?	18 A Right.
16 A Some of the older ones. One -- a couple of them tried 17 to steal my motorcycle once, but my dad caught them.	19 Q Okay. How did you come into contact with them?
18 Q This is during the two-year period of time when you've 19 dropped out of regular church activity, you're not 20 working in scouting, and you're just working a lot --	20 A Well, I had bought a trailer that I was going to move 21 over to what they call the 15 acres. There was a 22 house there.
21 A Yeah.	23 Q The 15 acres, is that property owned by Dr. Allenbach?
22 Q -- in your business to save money, but kids are 23 continuing to come around to your house?	24 A Yes.
24 A Well, there was Ken Fleming, Rickie Allenbach and, oh 25 yeah, the time the bishop's son came by and tried to	25 Q Okay.

Page 171	Page 173
1 make off with a motorcycle.	1 A So I planned on moving over there because I was
2 Q Which bishop's son did that?	2 bringing back equipment from Montana for them. And I
3 A It's a Johansen.	3 was helping them out quite a bit. And I didn't --
4 Q When you came back from Canada in the '85-'86 time 5 period, where did you -- where did you live initially?	4 helped them out for a couple of years and hardly got 5 any money because he didn't have any. He had just 6 been ripped off from a big gold mine.
6 A I didn't hear what you said.	7 And so -- then after I had made this decision, the 8 Wieders moved in. And they were supposed to also 9 rent -- they were supposed to be renting the place and 10 that.
7 Q When you first came back from Canada, after you -- you 8 said you thought it was '85, '86, somewhere in there -- 9 where did you live?	11 Q So this was a -- this was acreage that you had had your 12 trailer on?
10 A I was living up in Alder Grove, that little --	13 A Yeah.
11 Q Okay. Were you renting?	14 Q And there was a house, and the Wieders rented that 15 house --
12 A What's that?	16 A Yeah.
13 Q Were you renting?	17 Q -- from Dr. Allenbach?
14 A I had a little trailer, and I was renting the trailer 15 spot.	18 A Right.
16 Q Who was your landlord?	19 Q Okay. And the Wieders had children?
17 A I am not sure. He's an -- he was an East Indian. I 18 don't know.	20 A Yeah.
19 Q Did you eventually move onto property owned by Dr. 20 Allenbach?	21 Q How many children did they have?
21 A I was there for a couple of months.	22 A Four daughters. And then later on they had a little
22 Q At the Allenbach property?	23 baby girl that was their adopted daughter's child.
23 A Yeah. In -- the camper that fits on a truck --	24 Q Okay. What were the names of the daughters?
24 Q Right.	25 A Chelsey, Tracy, Mandy, Tassy.
25 A -- I put it over there for a couple of months because	

Jack A. Onefrey
January 27, 2006

Exhibit A-6

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kelly.txt

VIDEOTAPED DEPOSITION OF DOROTHY L. KELLY

March 2, 2005
Seattle, Washington

18 BYERS & ANDERSON, INC. - COURT REPORTERS & VIDEO
19 2208 North 30th Street One Union Square
 Suite 202 600 University Street
20 Tacoma, WA 98403-3360 Suite 2300
 (253) 627-6401 Seattle, WA 98101-4128
21 Fax: (253) 383-4884 (206) 340-1316
22 (800) 649-2034
 scheduling@byversanderson.com

APPEARANCES

For the Plaintiffs:

Tim Kosnoff
Attorney at Law
600 University Street, Suite 2101
Seattle, WA 98101
425.637.3070
425.837.9692 Fax
timkosnoff@comcast.net

For the Defendants:

Thomas D. Frey
Marcus Nash
Stafford Frey Cooper
601 Union Street, Suite 3100
Seattle, WA 98101
206.623.9900
206.624.6885 Fax

Also Present:

kelly.txt

24 Q Mrs. Kelly, with whom do you reside at that address?
 25 A My husband.
 0005
 1 Q And what is his name?
 2 A Jerry.
 3 Q Mrs. Kelly, how long have you lived at that 15016 S.E. 260th
 Street --
 5 A Since 1957.
 6 Q And is it a single-family home?
 7 A Yes.
 8 Q Could you describe the property generally that your house is
 9 on?
 10 A We had seven and a half acres. And Forward Thrust came
 through there in about 1974, and they bought five acres. So
 we had two and a half.
 13 Q Mrs. Kelly, do you have any children?
 14 A Yes.
 15 Q What are their names and their present ages?
 16 A Vicki is 60. Nancy is 58. I have one deceased who would
 have been 54. Bob is 42. Thomas is 40. And Karen is 43.
 18 Q Were your children raised in the home on S.E. 260th Street
 in Kent?
 20 A Yes.
 21 Q And in particular, I'd like to ask about the neighborhood
 that you lived in. Are you familiar with Dr. Herman
 Allenbach and his family?
 24 A Yes.
 25 Q Did they live in your neighborhood?
 0006
 1 A Yes. They lived right next door.
 2 Q Could you describe, if you could, the location of your
 property in relation to the Allenbach property?
 4 A It -- it was woody brush. We -- the children had a path
 from our property to theirs.
 6 Q And did your children play with the Allenbach children?
 7 A Yes.
 8 Q Okay. Could you identify with respect to your sons Robert
 9 and Thomas which of the Allenbach children were their
 playmates?
 11 A Ricky and Robert, and Jimmy and Tom.
 12 Q And how many -- did you know the Allenbach family well?
 13 A Yes.
 14 Q Okay. Were you social friends with them or merely
 15 neighbors?
 16 A Merely neighbors.
 17 Q Did Tommy and Robert spend time playing when they were boys
 over on the Allenbach property?
 19 A Yes. And vice versa.
 20 Q The Allenbach boys would spend time at your home?
 21 A Yes.
 22 Q Now, I'd like to ask you whether you know a man by the name
 of Jack LaHolt. He also goes by the name Jack Onofrey.
 24 A Yes.
 25 Q What do you remember of him?
 0007
 1 A My first meeting with him, he was a handyman. He lived in
 the Allenbach's house, the mother-in-law apartment.
 3 Q The mother-in-law apartment, was that part of the
 4 Allenbach's --
 5 A Main house.
 6 Q -- main house?
 7 A Mm-hm. (Witness answers affirmatively.)
 8 Q Could you describe generally the Allenbach property?

kelly.txt

9 A Yes. Dr. Allenbach built a duplex after he had his house
10 built in 1964. Then he built a duplex for his mother and
11 Aunt Peggy. And then on the -- that was on the south side
12 of the main house. On the north side he built a duplex,
13 another duplex.

14 Q And were there any other structures on the Allenbach
15 property?

16 A Yes. He had a garage right close to the house. In an upper
17 part of his property he built a storage facility that looked
18 like a house to store antiques.

19 Q I take it from your testimony that people other than the
20 immediate family members of the Allenbach family at various
21 times resided on the Allenbach property; is that accurate?

22 A Yes. They would have missionaries come and stay in one of
23 their vacant apartments.

24 Q Are you referring to Mormon missionaries?

25 A Mormon missionaries.

0008

1 Q Were there other individuals, transients, who would reside
2 there as well?

3 MR. FREY: Object to the form of the
4 question. You may answer.

5 THE WITNESS: Pardon?

6 MR. FREY: I said I object to the form
7 of the question, but you may go ahead and answer it.

8 I might explain to you, Ms. Kelly, from time to time
9 the rules provide that I can object to a question asked by
10 Mr. Kosnoff if I feel he's asked a question in an improper
11 form. And so in order to protect the record, I will make
12 that objection and then you may go ahead and answer if you
13 like.

14 THE WITNESS: Mm-hm.

15 MR. FREY: Okay. So perhaps we can read
16 the question back then.

17 A He had other workers stay for a time. He had a large
18 garden, which he didn't do the work. He had handymen come
19 in and do it, and they would stay for a while and then
20 they'd leave.

21 Q (By Mr. Kosnoff) Did Jack LaHolt perform work for Dr.
22 Allenbach to your knowledge?

23 A Yes, he did.

24 Q What was the relationship -- what was the nature of that
25 work relationship?

0009

1 A He would do gardening. He would build -- he built the other
2 apartments. Just a general handyman. Anything Dr.
3 Allenbach needed done, he would do it.

4 Q Do you remember approximately when Jack LaHolt came to live
5 at the Allenbach property?

6 A Going by the age of my boys, it was around early '70s.

7 Q Did you ever have occasion to speak directly to Jack LaHolt?

8 A Nothing of any consequence. Hello.

9 Q With respect to Dr. Allenbach, did you know what kind of
10 doctor he was?

11 A Yes. He was an orthodontist.

12 Q And do you know whether he had an orthodontal practice
13 anywhere?

14 A Yes. I believe it was near the hospital.

15 Q I'd like to direct your attention to the time period of
16 approximately 1971. Do you recall anything unusual
17 happening concerning your sons Tommy and Bobby?

18 A Yes, I do.

19 MR. FREY: I'm going to object to the

Page 4

Exhibit B-9

kelly.txt

20 Q form of the question. You may go ahead and answer.
 21 Q (By Mr. Kosnoff) What -- what happened?
 22 A Well, one day Robert and Tom were playing in the field with
 23 Jimmy, Ricky, and Jack LaHolt was present.
 24 MR. FREY: Excuse me. I didn't hear the
 25 end of that. What?

0010 1 THE WITNESS: Jack LaHolt was present.
 2 MR. FREY: Okay. Thank you.
 3 Q (By Mr. Kosnoff) And when you say they were playing in the
 4 field, would that have been a field on the Allenbach
 5 property?
 6 A On the Allenbach property.
 7 Q Was the Allenbach property ever referred to as "the
 8 Allenbach compound"?
 9 MR. FREY: Object to the form of the
 10 question. You can answer.
 11 Q (By Mr. Kosnoff) Have you ever heard that term used?
 12 A Yes, I have.
 13 Q Did you ever use that term in referring to the Allenbach
 14 property?
 15 A Yes, I did.
 16 Q Now, you said that the boys, the Allenbach boys and your
 17 sons, were playing in a field and Jack LaHolt was there?
 18 A Mm-hm. (Witness answers affirmatively.)
 19 Q Did you witness this or did you learn about it later?
 20 A I learned about it --
 21 Q Who did you learn --
 22 A -- right after it happened.
 23 Q Okay. How did you learn about it, and what did you learn
 24 occurred in that field?
 25 A Jimmy and Bob and Tom come running down to the house --

0011 1 MR. FREY: I'm going -- I'm going to
 2 object to the response -- but go ahead; you can answer -- on
 3 the basis it's all hearsay. Go ahead.
 4 A They were all excited, upset, and they proceeded to tell me
 5 what happened.
 6 Q (By Mr. Kosnoff) And what did they say?
 7 MR. FREY: I'm going to object. Go
 8 ahead. You can answer.
 9 A Well, they didn't use the word "masturbate." Do you want me
 10 to tell you the exact words they said?
 11 Q (By Mr. Kosnoff) To the best of your recollection, the
 12 words that were used, yes.
 13 A They said Jack was rubbing his dick up and down in front of
 14 them. He had them all in a circle. And some white stuff
 15 come out, and they asked me what the white stuff was.
 16 Q Now, were -- who was speaking? Was it Tommy or Bobby or
 17 which one of the boys?
 18 A All -- all three of them.
 19 MR. FREY: I'm going to object to the
 20 form of the question. You may go ahead and answer.
 21 A All three of them.
 22 Q (By Mr. Kosnoff) Okay. Was there any confusion in your
 23 mind as to what kind of activity they were describing to
 24 you?
 25 A None whatsoever.

0012 1 Q What was your reaction upon hearing this?
 2 A Well, first it was shock. And then I was very upset. I
 3 had -- I had to leave the room. And I come back, and then I
 4 was very angry.

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
Plaintiffs,)
vs.) NO. 04-2338 RSM
THE CORPORATION OF THE PRESIDENT OF THE)
CHURCH OF JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation sole, a/k/a)
"MORMON CHURCH"; LDS SOCIAL SERVICES)
a/k/a LDS FAMILY SERVICES, a Utah)
corporation,)
Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF

ROBERT KELLY

VIDEOTAPED PROCEEDING

1:10 o'clock p.m.

August 29, 2005

601 Union Street

Suite 3100

Seattle, Washington

REPORTED BY:
ALISON LOTT, CCR#2337

Verb8M Reporting
800 Fifth Ave., Suite 101-122 , Seattle, WA 98104 - (206) 467-0800

Exhibit C-11

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	Page 22	Page 24
1	MR. KOSNOFF: Objection, form of the	1 Q Did they tell you anything at that time?
2	question.	2 A No, not that I recall.
3 Q	(By Mr. Frey) You may answer.	3 Q So they returned back from the Allenbachs' and they didn't
4 A	Can you state it again, please.	4 say anything to you at all about that meeting or what had
5	(The pending question was read by	5 occurred?
6	the reporter.)	6 A Well, I think they -- I think they said that they met with
7 A	That's correct.	7 Dr. and Mrs. Allenbach and it's not going to happen again.
8 Q	If, in fact, you had gone through the abuse which you've	8 Q Did it, in fact, happen again?
9	listed in the second, third, fourth, and fifth, and sixth	9 A It did.
10	incidents, are you telling me that you wouldn't have been	10 Q Did you go back and speak with your mother about it or your
11	sufficiently scared to go tell her?	11 father?
12 A	The abuse was progressive, and it got -- meaning to say the	12 A I did not.
13	humiliation that Jack did to me and other boys, my brother,	13 Q And what is the reason that you didn't tell them the second
14	and Jimmy and Ricky, it got worse. And so at first, I	14 time when it occurred?
15	grew -- I just grew to be more and more scared and	15 A I felt humiliated and scared that -- from what Jack said to
16	terrified.	16 me the last time he was abused [sic], he said that he was
17 Q	The incident in the field, according to what your	17 going to kill me if I said anything to anybody, so I was
18	description is, was much less intrusive or severe than the	18 totally petrified of the situation.
19	other instances that followed in the basement of the	19 Q When did he tell you that?
20	apartment; isn't that correct?	20 A The last time he abused me.
21 A	That's correct.	21 Q Did your mother give you any instructions concerning
22 Q	After the incident which occurred in the field, you went	22 whether or not you could go to the Allenbach house if Jack
23	and told your mother; is that correct?	23 Loholt were there?
24 A	That's correct.	24 A She said -- I don't recall specifically what she said. I
25 Q	Did you also tell your father?	25 know she said -- we still went over there to play, but not
	Page 23	Page 25
1 A	We were sitting at the dinner table, and -- well, actually, we told -- after the abuse in the field where Jack	1 when Jack was around. And years later, Dr. Allenbach had
2	masturbated in front of us, we ran down to tell my mom, and	2 this cabin he was building, this huge cabin at Lake
3	then my dad came home from work, and then we all sat down	3 Kachees, and I never went on those outings that -- you
4	for dinner, and then my mom brought it up that -- you know,	4 know, to help with the construction of that cabin, and Jack
5	and then they started asking us questions about, well, what	5 was always involved with that, I found out later, and I was
6	happened, and how long has this been going on, and then	6 trying to figure out why I wasn't allowed to go and have
7	they went over and my mother and father met with	7 fun with everybody, and it's -- and that -- that happened
8	Dr. Allenbach and Mrs. Allenbach that night.	8 like after sixth grade, and I don't know what grade, but it
9		9 was after sixth grade, so I was never really around him.
10 Q	How long did you tell them it had been going on?	10 Q What I'm -- my question is maybe a little more focused than
11 A	Several months, I -- it's -- there's a lot that -- you	11 that. Maybe you've answered it; maybe you haven't.
12	know, that has happened in the downstairs apartment with	12 A I was also afraid of being around him, too.
13	Jack.	13 Q After this incident in the field, your mother was upset,
14 Q	Did you go over to the Allenbach home when your parents	14 was she not?
15	went over there?	15 A Yes.
16 A	No, I didn't.	16 Q And so was your father?
17 Q	By the way, did both your mother and your father go to the	17 A (Witness nods).
18	Allenbach home, as far as you know?	18 Q And they were upset enough to go over to the Allenbachs'
19 A	They did.	19 and talk to them about it; is that correct?
20 Q	Do you know about how long they were gone?	20 A That's correct.
21 A	I don't recall the exact time, but it was at least an hour	21 Q Now, did your mother give you, and father give you any
22	or two.	22 instructions about staying away from the Allenbach house,
23 Q	When they came back home, did you discuss with them	23 especially if Jack Loholt was there?
24	anything about their meeting with Dr. Allenbach?	24 A We thought -- I didn't tell them, so they thought nothing
25 A	No.	25 else has happened, and so they thought the situation

7 (Pages 22 to 25)

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Exhibit C-12

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Deposition of Don Boren

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
Plaintiffs,)
vs.) NO. CV4-2338 RSM
THE CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST OF)
LATTER-DAY SAINTS, a Utah)
corporation sole, a/k/a "MORMON ")
CHURCH", LDS SOCIAL SERVICES a/k/a)
LDS FAMILY SERVICES, a Utah)
corporation,)
Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF

DON BOREN

December 7, 2005
Chehalis, Washington

Taken Before:

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Exhibit D-13

Fleming v. LDS
Deposition of Don Boren

Page 30	Page 32
<p>1 connection between that family and the Allenbach family?</p> <p>2 A I'm not sure.</p> <p>3 Q Okay. Were you aware of where the Herman Allenbach family</p> <p>4 lived?</p> <p>5 A Yes, I knew where they lived.</p> <p>6 Q Okay. And do you recall that they lived on a property that</p> <p>7 was several acres and had multiple buildings on it?</p> <p>8 A Yes.</p> <p>9 Q Okay. Do you know whether or not the - the family from</p> <p>10 South Africa that you mentioned were living in a house or a</p> <p>11 portion of the acreage that the Allenbach family lived on?</p> <p>12 A That sort of compound --</p> <p>13 Q Yes.</p> <p>14 A No.</p> <p>15 Q Okay. So at the time you talked to them you were unaware of</p> <p>16 there being any connection between this family and the</p> <p>17 Allenbach compound?</p> <p>18 A I knew that Jack LoHolt and I think that family from Africa</p> <p>19 lived on some Allenbach property, but it wasn't by the home.</p> <p>20 Q Okay. All right. So it was a separate parcel of Allenbach</p> <p>21 property?</p> <p>22 A Yes. Nowhere near their house.</p> <p>23 Q I see. Okay. And that property also happened to be</p> <p>24 adjacent to where Jack LoHolt lived?</p> <p>25 A I - as far as I - as far as I know.</p>	<p>1 membership to be on guard or to be forewarned about Jack</p> <p>2 LoHolt?</p> <p>3 MR. NASH: Same objection.</p> <p>4 A No, I wasn't breaking any laws. I wasn't breaking any - I</p> <p>5 felt it was my duty to do so.</p> <p>6 Q (BY MR. KOSNOFF) And the stake president, Larry Pitts, he</p> <p>7 did not criticize you or tell you that he thought that what</p> <p>8 you had done was improper in announcing it to the</p> <p>9 membership?</p> <p>10 MR. NASH: Same objection. Go ahead.</p> <p>11 A Nope.</p> <p>12 Q (BY MR. KOSNOFF) Okay. And were there - was there any -</p> <p>13 were there any other... Strike that.</p> <p>14 Were you ever told by any other church official,</p> <p>15 whether the stake president, or higher church officials in</p> <p>16 the church, that what you had done in announcing what you</p> <p>17 did to the membership was a violation of church policy?</p> <p>18 MR. NASH: Same objection. Go ahead.</p> <p>19 A No.</p> <p>20 Q (BY MR. KOSNOFF) Okay. Did you have any other discussions</p> <p>21 with anybody regarding Jack LoHolt's alleged misconduct with</p> <p>22 boys after you made the announcement?</p> <p>23 A Not that I can remember.</p> <p>24 Q When was the last time you've - you ever saw Jack LoHolt?</p> <p>25 A I have no recollection.</p>
Page 31	Page 33
<p>1 Q How did it come to your attention that there was this</p> <p>2 situation; that is, that Jack LoHolt was living next to this</p> <p>3 family with the little girl?</p> <p>4 A If - I believe that the man - the South African man</p> <p>5 mentioned that he was living next to Jack LoHolt.</p> <p>6 Q And when you heard that, you had an immediate concern?</p> <p>7 A Yes.</p> <p>8 Q Had Jack LoHolt been attending the Kent 7th ward when you</p> <p>9 were bishop?</p> <p>10 A No.</p> <p>11 Q Okay. Were you aware before Jack Gaines came to you that</p> <p>12 Jack LoHolt had been wanting to be baptized back into the</p> <p>13 church?</p> <p>14 A No.</p> <p>15 Q Did the fact that you had received information that</p> <p>16 Jack LoHolt had been excommunicated and that you had heard</p> <p>17 that he had been involved in alleged misconduct with</p> <p>18 children, did you consider that to be confidential</p> <p>19 information?</p> <p>20 MR. NASH: Object to form. He's testified that he</p> <p>21 doesn't recall where he got that information.</p> <p>22 Q (BY MR. KOSNOFF) You can go ahead and answer.</p> <p>23 A No.</p> <p>24 Q Okay. Did you think that you were violating any rules or</p> <p>25 policies of the Mormon church when you announced to the</p>	<p>1 Q Would it have been while you were still in the Kent 2nd</p> <p>2 ward?</p> <p>3 A No. Because the Kent 7th was way after the Kent 2nd.</p> <p>4 Q Okay. Do you know how many years passed between the time</p> <p>5 you left the Kent 2nd ward and when you would have made the</p> <p>6 announcement in the Kent 7th ward?</p> <p>7 A Well, it was approximately - it was between '90 and '92 when</p> <p>8 I made that announcement.</p> <p>9 Q Okay.</p> <p>10 A And so it had to be 10, 11 years somewhere.</p> <p>11 Q Okay. Were you aware that Jack LoHolt was prosecuted and</p> <p>12 convicted for sexually molesting Chelsea Wieder?</p> <p>13 A No.</p> <p>14 Q Were you aware that he had been convicted of molesting a</p> <p>15 neighbor girl?</p> <p>16 A No.</p> <p>17 Q How many times did you speak to the couple from South</p> <p>18 Africa?</p> <p>19 A I only spoke to them that one time about that situation.</p> <p>20 Q What was your - did you have any relationship with</p> <p>21 Dr. Allenbach?</p> <p>22 A Yes.</p> <p>23 Q What was the nature of that relationship?</p> <p>24 A I purchased my house, the land that I built that house on</p> <p>25 from Dr. Allenbach and we was always - there was always a</p>

9 (Pages 30 to 33)

December 7, 2005

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Exhibit D-14

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
Plaintiffs,)
vs.)
THE CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST OF) No. 4-2338 RSM
LATTER-DAY SAINTS, a Utah)
corporation sole, a/k/a "MORMON)
CHURCH"; LDS SOCIAL SERVICES a/k/a)
LDS FAMILY SERVICES, a Utah)
corporation,)
Defendants.)

DEPOSITION OF FAYE F. MILLER

September 28, 2005

Seattle, Washington

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25th Anniversary 1980-2005

Faye F. Miller
September 28, 2005

Exhibit E-15

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Page 10	Page 12
1 Q of time?	1 Q Was that how he became acquainted with Herman
2 A I left.	2 Allenbach, to your knowledge?
3 Q Where did you move to?	3 A Yes.
4 A Provo, Utah.	4 Q And so were you introduced to Dr. Allenbach through
5 Q What was in Provo, Utah that took you there?	5 your brother?
6 A Brigham Young University.	6 A Yes.
7 Q Did you graduate from Brigham Young University?	7 Q And eventually it led to a job offer?
8 A Yes.	8 A Yes.
9 Q Do you recall approximately what year you graduated?	9 Q When did you first meet Dr. Allenbach?
10 A 1968.	10 A Shortly after my mission.
11 Q What did you do between the time you graduated from	11 Q And do you recall where that was?
12 BYU until you came to work for Burien Oral Surgery?	12 A Yes. It was in the 94th Street building in Kent. It
13 A I served a mission in the French East mission and	13 was the only building there at the time.
14 attended graduate school at Brigham Young University.	14 Q Were you here visiting your brother at the time?
15 Q When you say you served a mission, you served a	15 A Yes.
16 mission for the LDS church?	16 Q Are you presently a member of the-- I'll refer to it
17 A Yes.	17 as the Mormon church, but I'm referring to the Church
18 Q And the French East mission was located where?	18 of Jesus Christ of Latter Day Saints.
19 A Headquartered in Geneva, Switzerland.	19 Is it acceptable if I use the term "Mormon
20 Q Was that a two-year mission?	20 church" as shorthand for that longer name?
21 A Yes, 26 months.	21 A Yes.
22 Q And then after you returned from your mission, was it	22 Q Are you currently a member of the Mormon church?
23 then that you spent some time doing graduate studies	23 A Yes.
24 at BYU?	24 Q Have you-- were you born in the Mormon church?
25 A Yes.	25 In other words, were your parents members when
Page 11	Page 13
1 Q And then you moved to Washington state?	1 Q you were born?
2 A I went back to Mud Lake for a short period of time.	2 A Yes.
3 Q When you came to Washington state, did you have a job	3 Q Do you know whether your grandparents are members of
4 with Burien Oral Surgery at that time?	4 the Mormon church?
5 A Yes.	5 A Yes.
6 Q Was that your reason for moving here?	6 Q How many generations does your family go back in the
7 A Yes.	7 Mormon church, either your father's side or maternal
8 Q Had you ever lived in Washington state before?	8 side of the family?
9 A No.	9 MR. NASH: Objection; compound.
10 Q What were the circumstances that led you to accept a	10 THE WITNESS: Probably three or four
11 position working at Burien Oral Surgery in Burien; I	11 generations on both sides.
12 mean, to move from Provo, Utah to Burien, Washington	12 Q (By Mr. Kosnoff) When you moved to Washington state
13 to start work in this oral surgery practice?	13 to begin working at Burien Oral Surgery, was
14 A I was looking for work, and my brother and his wife	14 Dr. Allenbach then the owner of Burien Oral Surgery?
15 lived in Kent, and I met the owner of Burien Oral	15 A He was one of the owners.
16 Surgery, Dr. Herman Allenbach.	16 Q Okay. Who was the other owner?
17 Q Who was your brother?	17 A Ed Funk.
18 A Bill Miller.	18 Q And were Dr. Allenbach and Dr. Funk partners in that
19 Q And did Bill Miller know Dr. Allenbach?	19 business for a period of time?
20 A Yes.	20 A Yes.
21 Q Were they-- was Bill Miller a member of the Mormon	21 Q Did Dr. Funk eventually leave or did the partnership
22 church as well?	22 change such that Dr. Funk was no longer an owner?
23 A Yes.	23 A Yes.
24 Q And did he attend the same ward or stake?	24 Q Do you remember approximately when that would have
25 A Yes.	25 been?

4 (Pages 10 to 13)

Faye F. Miller
September 28, 2005Exhibit E-16

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Page 14	Page 16
<p>1 A Time-wise, no. It was when it became Northwest Oral 2 Surgery.</p> <p>3 Q Did Burien Oral Surgery have other office locations?</p> <p>4 A Yes.</p> <p>5 Q Where were those other locations?</p> <p>6 A I believe Burien Oral Surgery was the one that owned 7 the location in west Seattle.</p> <p>8 Q While you were associated with Dr. Allenbach and 9 Burien Oral Surgery, was there an office located in 10 Kent?</p> <p>11 A No.</p> <p>12 Q As long as you worked there, was the oral surgery 13 performed out of the Burien Oral Surgery office 14 address?</p> <p>15 Was there another location that oral surgery was 16 performed?</p> <p>17 A I just said I think that we had an office as Burien 18 Oral Surgery in west Seattle where we also did 19 surgery.</p> <p>20 Q So there was another office in west Seattle?</p> <p>21 A I believe that was--</p> <p>22 Q That was Burien Oral Surgery.</p> <p>23 We're talking about the same location or are we 24 talking about a separate office, one in west Seattle 25 and one in Burien?</p>	<p>1 property?</p> <p>2 A It was a separate structure.</p> <p>3 Q How long did you live at that address?</p> <p>4 A Maybe a couple of years.</p> <p>5 Q And then where did you move?</p> <p>6 A Renton.</p> <p>7 Q When you moved to Washington state and you lived with 8 your brother, were you a member of the Kent 2nd Ward 9 of the Renton Stake?</p> <p>10 A Yes.</p> <p>11 Q Do you remember who your bishop was?</p> <p>12 A Randy Borland.</p> <p>13 Q And were you a member of that ward until-- strike 14 that.</p> <p>15 Did your ward membership change at some point 16 after you joined that ward?</p> <p>17 A It was divided and we became the 5th Ward.</p> <p>18 Q Did your physical address location change or was that 19 just as a result of the redrawing of boundaries for 20 the wards?</p> <p>21 A It was a result of redrawing of boundaries.</p> <p>22 Q Do you recall approximately when your ward membership 23 would have changed from the Kent 2nd Ward to the Kent 24 5th Ward?</p> <p>25 A I do not recall.</p>
Page 15	Page 17
<p>1 A One in west Seattle and one in Burien.</p> <p>2 Q Was there ever an office, to your knowledge, in Kent?</p> <p>3 A Not to my knowledge.</p> <p>4 Q When you moved to Washington to begin work with 5 Dr. Allenbach, where did you reside?</p> <p>6 A With my brother.</p> <p>7 Q In Kent?</p> <p>8 A Yes.</p> <p>9 Q And how long did you stay with him?</p> <p>10 A Until he moved.</p> <p>11 Q How many years did you stay there before you--</p> <p>12 A I don't recall.</p> <p>13 Q Well, was it less than ten?</p> <p>14 A Less than ten.</p> <p>15 Q Was it less than five?</p> <p>16 A It may have been.</p> <p>17 Q Where did your brother move?</p> <p>18 A Mud Lake.</p> <p>19 Q And where did you move then?</p> <p>20 A I rented an apartment from the Allenbachs.</p> <p>21 Q Where was that located?</p> <p>22 A It was on the Allenbach property.</p> <p>23 Q Was the apartment that you rented from Dr. Allenbach, 24 was that part of the home that the Allenbach family 25 lived in or was it a separate structure on their</p>	<p>1 Q Do you recall living at 25829 142nd Southeast?</p> <p>2 A No.</p> <p>3 Q Do you think you didn't live at that address?</p> <p>4 A 25829 142nd?</p> <p>5 Q 25829 142nd Southeast.</p> <p>6 A I never lived on 142nd.</p> <p>7 Q I am looking at a document that was provided to us 8 that seems to indicate that it was the Renton, 9 Washington Stake directory for 1978, and it shows a 10 Faye Miller living-- as a member of the Kent 2nd Ward 11 living at 25829 142nd Southeast with a phone number 12 of 631-2437.</p> <p>13 Do you think that address is mistaken?</p> <p>14 A I do.</p> <p>15 Q Do you think you were not a member of the Kent 2nd 16 Ward in 1978 or do you think just that address is 17 mistaken?</p> <p>18 A I think the address is an error.</p> <p>19 Q Do you think you know where you were living at that 20 time?</p> <p>21 A 25829 152nd might have been correct.</p> <p>22 Q 152nd?</p> <p>23 A I never lived on 142nd.</p> <p>24 Q The 152nd address that you're referring to, would 25 that have been the Allenbach property?</p>

5 (Pages 14 to 17)

Faye F. Miller
September 28, 2005Exhibit E-17

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Page 18	Page 20
<p>1 A That was the Allenbach property.</p> <p>2 Q Do you think then you were living at the Allenbach 3 property in 1978?</p> <p>4 A I don't remember.</p> <p>5 Q The home that you moved to after you left the 6 Allenbach property, was that an apartment or was that 7 a house?</p> <p>8 A It was a home.</p> <p>9 Q You bought it?</p> <p>10 A No.</p> <p>11 Q Was that one of Dr. Allenbach's properties as well?</p> <p>12 A Yes. I rented from Dr. Allenbach.</p> <p>13 Q But it was not on the compound or the property where 14 the Allenbach family lived?</p> <p>15 A No.</p> <p>16 (Exhibit No. 1 marked for 17 identification.)</p>	<p>1 Could you give me an age range of the young women 2 that would be in that organization?</p> <p>3 A 12 to 18.</p> <p>4 Q And it seems to indicate under the fourth column that 5 the position that you were sustained in was age group 6 counselor. Is that correct?</p> <p>7 A Yes.</p> <p>8 Q What was that position?</p> <p>9 A It was counselor to the president.</p> <p>10 Q What were your responsibilities?</p> <p>11 A I don't remember, apart from saying that I worked 12 with the young women of the ward.</p> <p>13 Q And you reported directly to the president of the 14 YWMIA?</p> <p>15 A Yes.</p> <p>16 Q Was the YWMIA the primary organization within the 17 ward working with young women of that age group?</p> <p>18 A Yes.</p> <p>19 Q Were there any other organizations that worked with 20 women of that age group?</p> <p>21 A Sunday school.</p> <p>22 Q And the Sunday school would have been a separate 23 organization within the ward?</p> <p>24 A Yes.</p> <p>25 Q If you go down further on Page 7 to the entry for</p>
<p>1 recopy this, so please indulge me for a moment.</p> <p>2 If you wouldn't mind turning to Page 7, it should 3 be marked in the lower right-hand corner, the page 4 numbers--</p> <p>5 A Okay.</p> <p>6 Q This document appears to be and is designated 7 "Historical report of the Kent 2nd Ward, Renton 8 Stake," and then it indicates that it was Bishop 9 Randall K. Borland and that this is a report for the 10 year ending December 31st, 1972.</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q If you go down to the entry on the left-hand column 14 for September 10th, 1972, you'll see "Faye Miller."</p> <p>15 A Yes.</p> <p>16 Q Do you see where it seems to indicate under "action" 17 that Faye Miller was sustained as age group counselor 18 in the YWMIA? Do you see that?</p> <p>19 A Yes.</p> <p>20 Q First of all, what is the YWMIA?</p> <p>21 A Young Women's Mutual Improvement Association.</p> <p>22 Q Could you tell me what that organization is or was?</p> <p>23 A It's the youth organization for the young women of 24 the church.</p> <p>25 Q And for what age group-- you said "young women."</p>	<p>1 September 19th, again I see your name "Faye Miller," 2 and it indicates the action taken by the bishop was 3 set apart, and then it indicates the position of 4 second counselor in the YWMIA.</p> <p>5 Do you recall that?</p> <p>6 A Do I recall the setting apart?</p> <p>7 Q Well, do you recall being a second counselor in the 8 YWMIA under Bishop Borland?</p> <p>9 A Yes.</p> <p>10 Q Was that an additional responsibility--</p> <p>11 A It was the same responsibility.</p> <p>12 Q It seems to be a different title.</p> <p>13 You were age group counselor as of September 14 10th, according to the entry above, and then down 15 here it indicates "second counselor." I'm trying to 16 get a sense of whether your job responsibility or 17 position responsibility changed.</p> <p>18 A No.</p> <p>19 Q It was essentially the same?</p> <p>20 A Same thing.</p> <p>21 Q Who are you a second counselor to?</p> <p>22 A The president.</p> <p>23 Q So you reported directly to the president?</p> <p>24 A Yes.</p> <p>25 Q Within the hierarchy of the ward, did the president</p>
	6 (Pages 18 to 21)

Exhibit E-18

Faye F. Miller
September 28, 2005

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Raymond S. Wright III
Marian R. Boyer
Maribeth Christensen
Douglas D. Alder
Robert J. Smith
Dennis L. Thompson
L. Robert. Webb
John H. Cox

T. Glenn Haws
Garth L. Mangum
T. Glenn Haws
Shirley W. Thomas
Charles E. Mitchener
Mark E. Hurst
Betrea Gillespie Kelly
Lee Anderson Cannon
Ardeth Greene Kapp

LIST OF CONTRIBUTORS

- Harley K. Adamson
Weber State University, Ogden, UT
Teachers, Teacher Development
- Stan L. Albrecht
Brigham Young University
Stake
- Douglas D. Alder
Dixie College, St. George, UT
Ward
- Ruel A. Allred
Brigham Young University
Instructor, The
Juvenile Instructor
- J. Max Anderson
State of Utah, Salt Lake City
"Fundamentalists"
- Paul L. Anderson
*Museum of Church History and Art, Salt
Lake City*
Building Program
- Wendell J. Ashton
Deseret News, Salt Lake City
Deseret News
- James H. Backman
Brigham Young University
Courts, Ecclesiastical, Nineteenth-Century
- J. Hugh Baird
Brigham Young University
Ballantyne, Richard
Bulletin
- VerDon W. Ballantyne
Brigham Young University
Aaronic Priesthood: Powers and
Offices
- Ariel S. Ballif
Brigham Young University
Patriarch: Stake Patriarch
- Jae R. Ballif
Brigham Young University
Melchizedek Priesthood: Powers and
Offices in the Melchizedek
Priesthood
- Melchizedek Priesthood: Restoration
of Melchizedek Priesthood
- Ivan J. Barrett
Brigham Young University
Church of the Firstborn
- Merrill J. Bateman
Brigham Young University
Conferences: Stake Conference
- Jeffrey C. Bateson
*Church Finance and Records Dept., Salt
Lake City*
Clerk
- Robert F. Bennett
Franklin Institute, Inc., Salt Lake City
Latter-day Saints (LDS)
- LaMar C. Berrett
Brigham Young University
Endowment Houses

Name of the Church	<i>Brigham Young University Messenger and Advocate</i>
Paul M. Bons	Douglas L. Callister
<i>Church Personnel Dept., Salt Lake City</i>	<i>Attorney, Glendale, CA</i>
Organization: Contemporary Organization	Region, Regional Representative
R. Wayne Boss	J. Elliot Cameron
<i>University of Colorado</i>	<i>Church Temple President, Provo, UT</i>
Home Teaching	Priesthood Blessings
Priesthood Interview	
Marian R. Boyer	Kim S. Cameron
<i>Former Counselor in General Presidency, Church Relief Society, Salt Lake City</i>	<i>Michigan State University</i>
Visiting Teaching	Authority
David C. Bradford	Stake President, Stake Presidency
<i>Church Correlation Dept., Salt Lake City</i>	
Bishopric	Elaine Anderson Cannon
Priesthood Executive Committee,	<i>Author, St. George, UT</i>
Stake and Ward	Young Women
M. Gerald Bradford	Janath Russell Cannon
<i>University of California at Irvine</i>	<i>Church Temple Matron, Frankfurt, Germany</i>
Orthodoxy, Heterodoxy, Heresy	Relief Society
Ronald L. Bramble	John K. Carmack
<i>Boy Scouts of America, Los Angeles</i>	<i>General Authority, Salt Lake City</i>
Deacon, Aaronic Priesthood	Organization of the Church, 1830
Hoyt W. Brewster, Jr.	John Carr
<i>Church Curriculum Dept., Salt Lake City</i>	<i>Former Director, Church Internal Communications, Salt Lake City</i>
Ordination to the Priesthood	Distribution Centers
S. Kent Brown	Linda A. Charney
<i>Brigham Young University</i>	<i>Church Correlation Dept., Salt Lake City</i>
Apostle	Joining the Church Membership
Thomas E. Brown	David J. Cherrington
<i>Audio Visual Dept., Salt Lake City</i>	<i>Brigham Young University</i>
Membership Records	Societies and Organizations
M. Dallas Burnett	Clayton Christensen
<i>Brigham Young University</i>	<i>Ceramics Process Systems Corp., Belmont, MA</i>
Conferences: General Conference	Testimony Bearing
H. David Burton	Maribeth Christensen
<i>Church Presiding Bishopric's Office, Salt Lake City</i>	<i>Ricks College, Rexburg, ID</i>
Presiding Bishopric	Volunteerism

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Blessings

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University
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Systems Corp.

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burg, ID

Jack R. Christianson
Church Educational System, Orem, UT
Teacher, Aaronic Priesthood

Lewis R. Church
*Church Educational System, Pleasant
Grove, UT*
Prophet, Seer, and Revelator

C. Ross Clement
Church Social Services, Salt Lake City
Social Services

Dean B. Cleverly
Church Missionary Dept., Salt Lake City
Missions

Todd Compton
California State University, Northridge
Apostasy

Spencer J. Condie
General Authority, Salt Lake City
Missionary, Missionary Life

Richard O. Cowan
Brigham Young University
Branch, Branch President
Missionary Training Centers
Temples: History of LDS Temples
from 1831 to 1990

John H. Cox
*Church Ecclesiastical Support System,
Salt Lake City*
Ward Welfare Committee

Soren F. Cox
Brigham Young University
True and Living Church

Perry H. Cunningham
Church Correlation Dept., Salt Lake City
Activity in the Church
Area, Area Presidency

Gerald J. Day
Snow College, Ephraim, UT
Mission President
Region, Regional Representative

Ronald D. Dennis
Brigham Young University
Evening and the Morning Star, The

Jill Mulvay Derr
Brigham Young University
Relief Society

Roy W. Doxey [deceased]
Church Correlation Dept., Salt Lake City
Presiding High Priest

Larry W. Draper
Church Historical Dept., Salt Lake City
Publications

Reed C. Durham, Jr.
Church Educational System, Logan, UT
Times and Seasons

William G. Dyer
Brigham Young University
Leadership, Training
Meetings, Major Church

Wm. Gibb Dyer, Jr.
Brigham Young University
Presiding Bishopric

Richard C. Edgley
*Church Finance and Records, Salt Lake
City*
Finances of the Church

Wilford G. Edling [deceased]
*Church Finance and Records, Salt Lake
City*
Finances of the Church

Richard G. Ellsworth
Brigham Young University
Priesthood

J. Lynn England
Brigham Young University
First Presidency
President of the Church
Stewardship

Irene Hewette Erickson
Church Correlation Dept., Salt Lake City
Auxiliary Organizations

District, District President
William E. Evenson
Brigham Young University
Magnifying One's Calling
Larry C. Farmer
Brigham Young University
Interviews
Isaac C. Ferguson
Church Welfare Services, Salt Lake City
Fast Offerings
Donovan E. Fleming
Brigham Young University
High Council
Marvin K. Gardner
Ensign, Salt Lake City
General Authorities
R. Quinn Gardner
Business Consultant, Salt Lake City
Bishop's Storehouse
Arnold K. Garr
Brigham Young University
Liahona the Elders' Journal
H. Dean Garrett
Brigham Young University
Rebaptism
Crawford Gates
Beloit College, Beloit, WI
Sacrament Meeting
Georgia Gates
Writer, Beloit, WI
Sacrament Meeting
Bruce C. Hafen
Brigham Young University
Disciplinary Procedures
John Franklin Hall
Brigham Young University
April 6

Brigham Young University
Meetinghouse
Bruce T. Harper
Church Missionary Dept., Salt Lake City
Priesthood Offices
William G. Hartley
Brigham Young University
Bishop, History of the Office
Organization: Organizational and
Administrative History
Leon R. Hartshorn
Brigham Young University
Signs of the True Church
T. Glenn Haws
Church Educational System, Portland,
OR
Welfare Farms
Welfare Square
D. Arthur Haycock
Former Church Temple President
Temples: LDS Temple Dedications
Darwin L. Hayes
Brigham Young University
Nauvoo Neighbor
"J" Malan Heslop
Deseret News, Salt Lake City
Church News
Martin B. Hickman [deceased]
Brigham Young University
Succession in the Presidency
W. Ladd Hollist
Brigham Young University
Priest, Aaronic Priesthood
Mark E. Hurst
Aaronic Priesthood Dept., Salt Lake City
Young Men
Paul V. Hyer
Brigham Young University
Sealing: Temple Sealings

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Richard W. Jackson
Architect, Salt Lake City
Building Program
Peter N. Johnson
Brigham Young University
Man's Search for Happiness
Mary Jolley
Writer, Salt Lake City
Fast and Testimony Meeting
William N. Jones
Intermountain Health Care, Inc., Salt
Lake City
Hospitals
Ardeth Greene Kapp
General President, Church Young
Women, Salt Lake City
Youth
Brian K. Kelly
Church International Magazines, Salt
Lake City
International Magazines
Petrea Gillespie Kelly
Author, Highland, UT
Contributor
Young Woman's Journal
William Rolfe Kerr
Utah Commission on Higher Education,
Salt Lake City
Conferences: Conferences
Nephi K. Kezerian
Surgeon, Provo, UT
Sick, Blessing the
Dean L. Larsen
General Authority, Salt Lake City
Seventy: Quorums of Seventy
Victor L. Ludlow
Brigham Young University
Priesthood in Biblical Times
Immo Luschin
Church Translation Dept., Frankfurt,
Germany
Ordinances: Overview
Ordinances: Administration of
Ordinances
Temples: LDS Temple Worship and
Activity
Melvin J. Luthy
Brigham Young University
Priesthood
Carol Cornwall Madsen
Brigham Young University
Retrenchment Association
Garth L. Mangum
University of Utah
Welfare Services
Beth M. Marlow
Editor, Orem, UT
Meetinghouse Libraries
Robert J. Matthews
Brigham Young University
Proclamations of the First Presidency
and the Quorum of the Twelve
Apostles
Frank O. May, Jr.
Church Curriculum Dept., Salt Lake
City
Correlation of the Church,
Administration
General Handbook of Instructions
Policies, Practices, and Procedures
Mark L. McConkie
University of Colorado at Colorado
Springs
Following the Brethren
Lynn A. McKinlay
Brigham Young University
Patriarchal Order of the Priesthood
Byron R. Merrill
Brigham Young University
Assistants to the Twelve

Young Men	Bishop
William James Mortimer <i>Deseret News, Salt Lake City</i>	Lee Tom Perry <i>Brigham Young University</i>
Patriarchal Blessings	Organization: Contemporary Organization
Stephen D. Nadauld <i>General Authority, Salt Lake City</i>	Stanley A. Peterson <i>Church Educational System, Salt Lake City</i>
Financial Contributions	<i>Millennial Star</i>
Jack A. Nelson <i>Brigham Young University</i>	R. Douglas Phillips <i>Brigham Young University</i>
Newspapers, LDS	Evangelists
William O. Nelson <i>Church Correlation Dept., Salt Lake City</i>	Brian L. Pitcher <i>Utah State University, Logan, UT</i>
Quorum of the Twelve Apostles	Callings
Hugh W. Nibley <i>Brigham Young University</i>	B. Lloyd Poelman <i>Attorney, Salt Lake City</i>
Temples: Meanings and Functions of Temples	Sunday School
Beverly J. Norton <i>Brigham Young University</i>	Ronald E. Poelman
Record Keeping	<i>General Authority, Salt Lake City</i>
Alan K. Parrish <i>Brigham Young University</i>	Sealing: Cancellation of Sealings
Keys of the Priesthood	Bruce Douglas Porter <i>International Broadcasting, Springfield, VA</i>
Seventy: Overview	Church of Jesus Christ of Latter-day Saints, The
Ronald W. Patrick <i>Church Educational System, Stirling, Alberta, Canada</i>	Larry C. Porter <i>Brigham Young University</i>
Firesides	Aaronic Priesthood: Restoration
Vivian Paulsen <i>Friend Magazine, Salt Lake City</i>	Robert E. Quinn <i>University of Michigan</i>
Children's Friend, The	Common Consent
Lynn Reed Payne <i>Church Correlation Dept., Salt Lake City</i>	A. LeGrand Richards <i>Businessman, Provo, UT</i>
Fellowshipping Members	High Priest
Birger A. Pearson <i>University of California, Santa Barbara</i>	Stephen D. Ricks <i>Brigham Young University</i>
Melchizedek: Ancient Sources	Temples: Temples Through the Ages

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 Robert I.
 General A.
 Temples
 Robert J. S.
 Brigham Y.
 Ward Bud

LIST OF CONTRIBUTORS  xix

- J. Bonner Ritchie
Brigham Young University
Presidency, Concept of
Priesthood Councils
- Richard C. Roberts
Weber State University, Ogden, UT
Seventy: First Council of the Seventy
- Richard M. Romney
New Era Magazine, Salt Lake City
New Era
- Allen Claire Rozsa
Former Church Temple President, Los Angeles
Temple Ordinances
- Burns R. Sabey
Colorado State University, Ft. Collins, CO
Head of the Church
- Cecil O. Samuelson, Jr.
University of Utah Medical School
Medical Practices
- Bruce Satterfield
Church Educational System, Iona, ID
Melchizedek: LDS Sources
- Gilbert W. Scharffs
Church Educational System, Salt Lake City
Apostate
- Marianne Clark Sharp [deceased]
Former Counselor in General Presidency,
Church Relief Society, Salt Lake City
Relief Society Magazine
- Naomi M. Shumway
Former General President, Church Primary, Salt Lake City
Primary
- Robert L. Simpson
General Authority, Salt Lake City
Temples: Administration of Temples
- Robert J. Smith
Brigham Young University
Ward Budget
- Calvin R. Stephens
Church College Curriculum, Salt Lake City
Patriarch: Patriarch to the Church
- Howard D. Swainston
Attorney, Los Angeles
Tithing
- Charles D. Tate, Jr.
Brigham Young University
Conference Reports
- George S. Tate
Brigham Young University
Prayer Circle
- Shirley W. Thomas
Former Counselor in General Presidency,
Church Relief Society, Salt Lake City
Woman's Exponent
- Dennis L. Thompson
Brigham Young University
Setting Apart
Ward Council
- Paul H. Thompson
Weber State University, Ogden, UT
Lay Participation and Leadership
- Richard Tice
Deseret Book Co., Salt Lake City
Magazines
- Sherman N. Tingey
Arizona State University, Tempe
Priesthood Quorums
- Jay M. Todd
Ensign, Salt Lake City
Ensign
Improvement Era
- Robert A. Tucker
General Authority Office, Salt Lake City
Temple Recommend
- Richard E. Turley, Jr.
Church Historical Dept., Salt Lake City
Confidential Records
Solemn Assemblies

Almanacs
R. Richard Vetterli
Brigham Young University
Elder, Melchizedek Priesthood
Elizabeth Wahlquist
Brigham Young University
Friend, The
Steven C. Walker
Brigham Young University
Seer
W. Keith Warner
Brigham Young University
Council of the First Presidency and
the Quorum of the Twelve Apostles
First Presidency
President of the Church
Christine Croft Waters
Salt Lake Community College
Maternity and Child Health Care
Ronald G. Watt
Church Historical Dept., Salt Lake City
Journal of Discourses
L. Robert Webb
Brigham Young University
Ward Organization
Alan L. Wilkins
Brigham Young University
Organization: Contemporary
Organization
Barbara W. Winder
*Former General President, Church Relief
Society, Salt Lake City*
Relief Society in Nauvoo
Lael J. Woodbury
Brigham Young University
Hosanna Shout
Public Speaking

Brigham Young University
*Utah Genealogical and Historica
Magazine*
David H. Yarn, Jr.
Brigham Young University
Sealing: Sealing Power
Temple President and Matron
Marilyn S. Yarn
Former Temple Matron, Atlanta, G.
Temple President and Matron
Hulda P. Young
Author, Salt Lake City
Compassionate Service
Lawrence A. Young
Brigham Young University
Single Adults
Michael K. Young
Columbia University
Oath and Covenant of the Priesthood

Historical

Patron

Atlanta, GA

Patron

the Priesthood

PREFACE

This preface appears in volume 1 of the Encyclopedia of Mormonism. Its spirit applies to all the volumes containing selections from the Encyclopedia.

According to a standard definition, an encyclopedia is to "treat comprehensively all the various branches of knowledge" pertaining to a particular subject. The subject of this *Encyclopedia* is The Church of Jesus Christ of Latter-day Saints, widely known as the Mormon church. This is the first major encyclopedia published about the Mormons. It presents the work of hundreds of Latter-day Saint (LDS) lay scholars and others from throughout the world and provides a comprehensive reporting of Mormon history, scripture, doctrines, life, and knowledge, intended for both the non-Mormon and the LDS reader. Readers will find an article on almost any topic conceivably related to the general topic of Mormonism, and yet no article is exhaustive because of space limitations. Most articles include bibliographic references; cross-references to other articles in the *Encyclopedia* are indicated by small capital letters.

When Macmillan Publishing Company asked authorities at Brigham Young University whether they would be interested in developing an encyclopedia about The Church of Jesus Christ of Latter-day Saints, President Jeffrey R. Holland took the query to his Board of Trustees. They instructed him to proceed. Working closely with Church authorities and Macmillan, President Holland chose an editor in chief and a board of editors. Discussion of possible titles concluded that the work should be called the *Encyclopedia of Mormonism* since that is the term by which the Church is most widely known, though unofficially.

The contract called for a work of one million words in about 1,500 articles in four volumes including pictures, maps, charts, appendices, indices, and a glossary. It soon became apparent that

Great Price—would be so frequent that readers who did not have access to those works would be at a serious disadvantage using the *Encyclopedia*. A fifth volume was decided upon to include all the LDS standard works except the Bible, which is readily available everywhere.

The Church does not have a paid clergy or a battery of theologians to write the articles. It functions with a lay ministry, and members are encouraged to become scholars of the gospel. Over men and women were asked to write articles on topics assigned because of previous interest and study.

Six major articles unfold the history of the Church: (1) the background and founding period in New York; (2) the Ohio, Missouri, Illinois period ending with the martyrdom of Joseph Smith; (3) exodus west and the early pioneer period under Brigham Young; the late pioneer Utah period ending at the turn of the century; statehood; (5) a transitional period during the early twentieth century; and (6) the post-World War II period of international growth. The history of the Church has been dramatic and moving, considering its brief span of just over 160 years. Compared to Catholicism, Judaism, ancient Far East religions, and many Protestant churches, the Church has a very short history. Nearly 250 articles explain the doctrines of the Church, with special emphasis on basic principles and ordinances of the gospel of Jesus Christ. Twenty-four articles are clustered under the title "Jesus Christ," and another sixteen include his name in the title or relate directly to his divine mission and atonement.

Over 150 articles relate the details on such topics as the First Vision, Zion's Camp, Handcart Companies, Plural Marriage, the Salt Lake Temple, Temple Square, and the Church throughout the world. Biographies cover men and women contemporary in the life of Joseph Smith, Presidents of the Church, and auxiliary founders and past presidents. The only biography of a person living at the time of publication is on the present prophet and President of the Church, Ezra Taft Benson. [Since the publication of the *Encyclopedia of Mormonism*, Howard W. Hunter was sustained as President of the Church.]

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and many, there are over a hundred articles primarily con-
cerned with how Latter-day Saints relate to their families, the
Church, and to society in general. It is said there is a "Mormon
culture," and several articles explore Mormon lifestyle, folklore, folk
art, artists, literature, and other facets that distinguish Latter-day
Saints.

It may be that the growth of the Church in the last decades has
mandated the encyclopedic account that is presented here. Yet, even
as the most recent programs were set down and the latest figures list-
ed, there is an acute awareness that the basic tenet of the Church is
that its canon is open-ended. The contemporary President of the
Church is sustained as a "prophet, seer, and revelator." While this
makes some theological discussion moot, the basic beliefs of the
Latter-day Saints, summarized in the Articles of Faith, do not
change.

In several areas, the Church shares beliefs held by other
Christians, and a number of scholars from other faiths were asked to
present articles. However, the most distinctive tenets of the
Church—those regarding the premortal and postmortem life, living
prophets who receive continuous and current revelation from God,
sacred ordinances for deceased ancestors, moral and health codes
that provide increasingly well-documented benefits, and the poten-
tial within man for progression into an infinite future—are all treated
primarily by writers selected from among Latter-day Saints.

Lest the role of the *Encyclopedia* be given more weight than it
deserves, the editors make it clear that those who have written and
edited have only tried to explain their understanding of Church his-
tory, doctrines, and procedures; their statements and opinions
remain their own. The *Encyclopedia of Mormonism* is a joint product
of Brigham Young University and Macmillan Publishing Company,
and the contents do not necessarily represent the official position of
The Church of Jesus Christ of Latter-day Saints. In no sense does the
Encyclopedia have the force and authority of scripture.

ACKNOWLEDGMENTS*

The support and assistance of many persons and groups are necessary to produce a work as extensive as an encyclopedia. Specific thanks are extended to the executives of Macmillan Publishing Company who introduced the idea of the *Encyclopedia of Mormonism* to Brigham Young University. Charles E. Smith made initial contacts on the project, while Philip Friedman, President and Publisher of Macmillan Reference Division, and Elly Dickason, Editor in Chief of Macmillan Reference Division, have followed through on the multitudinous details, demonstrating skill and patience in working with us in the preparation of this five-volume work.

The editors also wish to thank the General Authorities of the Church for designating Brigham Young University as the contractual Author of the *Encyclopedia*. Two members of the Board of Trustees of the university, who are also members of the Quorum of the Twelve Apostles, were appointed by the First Presidency to serve as advisers to the project: Elder Neal A. Maxwell and Elder Dallin H. Oaks. Other General Authorities who accepted special assignments related to the project include four members of the Quorum of Seventy: Elders Dean L. Larsen, Carlos E. Asay, Marlin K. Jensen, and Jeffrey R. Holland.

Special support also came from the Administration of BYU. Jeffrey R. Holland, president of BYU at the time the project was initiated, was instrumental in appointing the Board of Editors and in developing early guidelines. Rex E. Lee, current president of BYU, has continued this support.

* The major parts of the acknowledgments appear in volume 1 of the *Encyclopedia of Mormonism*. The statement has been modified here by (1) deleting credits to individuals and institutions providing general help, illustrations, and photographs for the *Encyclopedia* and (2) adding the names of those giving special assistance to the preparation of this particular publication.

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The efforts of the Board of Editors and the Project Coordinator, whose names are listed at the front of each volume, have shaped and fashioned every aspect of the project. We offer special thanks to them, and to companions and family members for graciously supporting our efforts over many months. Others who shared in final editing include Bruce B. Clark, Soren F. Cox, Marshall R. Craig, and Ellis T. Rasmussen.

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Finally, we express appreciation to the 738 authors who contributed their knowledge and insights. The hopes of all who were involved with this project will be realized if the *Encyclopedia* assists readers to come to a greater understanding and appreciation of the history, scriptures, doctrines, practices, and procedures of The Church of Jesus Christ of Latter-day Saints.



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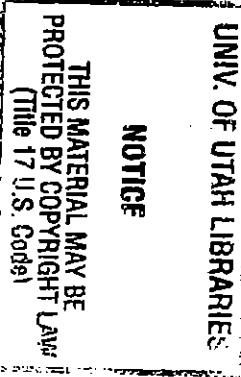
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Stake and Ward Clerks and
Other Church Officers



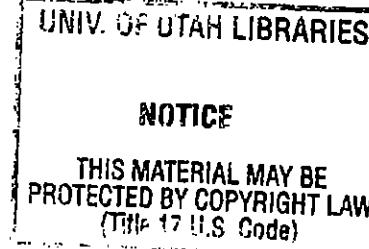
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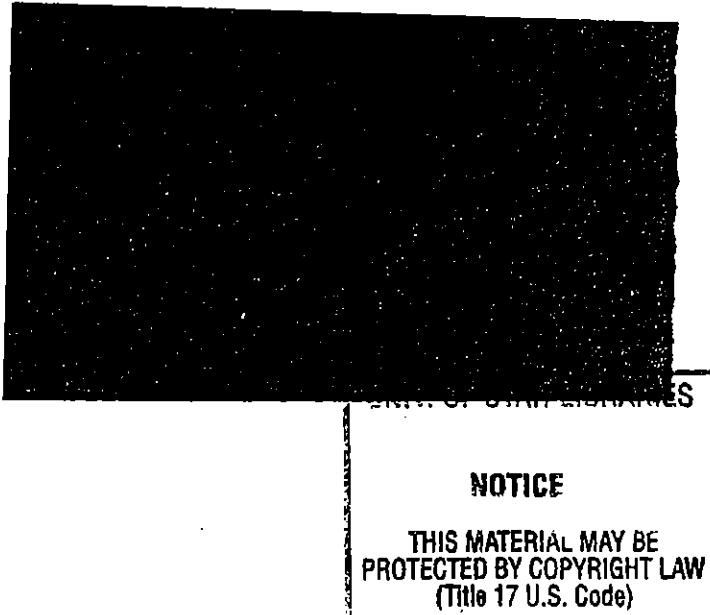
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TO THE PRESIDENTS OF STAKES AND C
ORS, BISHOPS OF WARDS AND COU
STAKE AND WARD CLERKS, AND OTHER
OFFICERS.

Dear Brethren:

This Handbook has been prepared at our request, with the help and guidance of the responsible authorities of the Church, in their very arduous and exacting labors. It is intended to give direction upon all matters covered by it. The officers of the Church and its organizations are requested carefully to study the instructions, advice, and counsel herein given.

Heber J. Grant,
J. Reuben Clark, Jr.,
David O. McKay,
The First Presidency

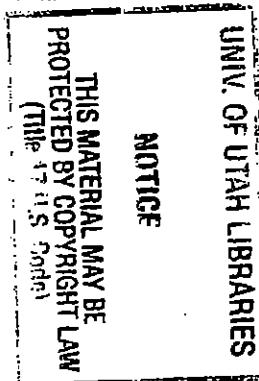
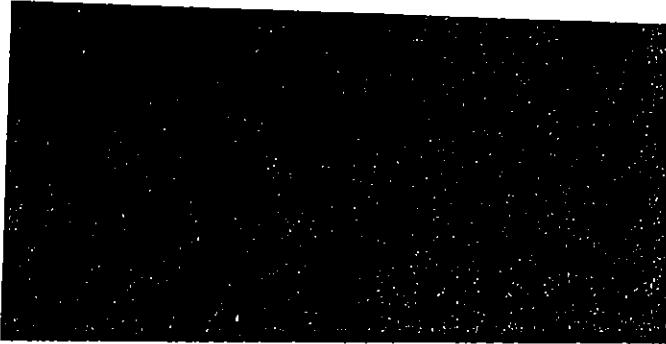


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FOREWORD

This book, prepared under the direction of the First Presid-
icil of the Twelve and the Presiding Bishopric, is
for your guidance by the direction of the First
It contains instructions for regulating the affairs of
within the stakes and wards. As stated by The First
the rulings and regulations represent the accepted
Church and, in the interest of uniformity of action
is, should be adhered to by all presiding officers.
lings do not permit of any latitude of interpretation
ocedure is concerned, but the application of the rul-
plies to the conduct, standing and privileges of in-
bers of the Church should, of course, be influenced
ration of the Holy Spirit, for every stake presidency
ishopric is entitled to Divine guidance in the ad-
of the duties pertaining to their respective offices.
ng officers should become thoroughly familiar with
ctions and preserve this book for reference.
 sincere appreciation of your faithful efforts and help-
tion in the past, in looking after the spiritual and
elfare of the people under your care, we are,

Sincerely your brethren,
LeGrand Richards,
Marvin O. Ashton,
Joseph L. Wirthlin,
Presiding Bishopric.



HANDBOOK OF INSTRUCTIONS DIVINE AUTHORITY

uthority of Church government is vested in the Holy of which there are two divisions—the Melchizedek which deals primarily with spiritual affairs, and the esthood, which derives its authority from the Melieshood and deals with temporal affairs.

Iam received his priesthood from Melchizedek, who through the lineage of his fathers, even till Noah; Noah till Enoch, through the lineage of their fathers; noch to Abel, who was slain by the conspiracy of his io received the priesthood by the commandment of hands of his father, Adam; which priesthood con he Church of God in all generations and is without of days or end of years.

the Lord confirmed a priesthood also upon Aaron and throughout all their generations, which priesthood and abideth forever with the priesthood which is oliest order of God. And this greater priesthood ad the gospel and holdeth the keys of the mysteries idom, even the key of the knowledge of God. And priesthood * * * holdeth the key of the ministering nd the preparatory gospel.

whoso is faithful unto the obtaining these two priest hich I have spoken, and the magnifying their calling, ed by the spirit unto the renewing of their bodies, me the sons of Moses and of Aaron and the seed of and the Church and kingdom and the elect of God."

Cov. 84:14-19, 26, 33.)

ration of Authority—The words of the Angel John st), spoken to Joseph Smith, Jr., and Oliver Cowdery, angel) laid his hands upon their heads and conferred i the Aaronic Priesthood, in Harmony, Susquehanna Pennsylvania, May 15, 1829:

in you my fellow servants, in the name of Messiah I : Priesthood of Aaron, which holds the keys of the

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baptism by immersion for the remission of sins; an never be taken again from the earth, until the sons offer again an offering unto the Lord in righteous and Cov. 13.)

Shortly following this ordination the Melchizedek hood was restored by Peter, James and John. " * * * Smith, Jun., who was called of God, and ordained of Jesus Christ, to be the first elder of this Church; an Cowdery, who was also called of God an apostle of Je to be the second elder of the Church, and ordained hand." (Doc. and Cov. 20:2, 3.)

"And also with Peter, and James, and John, wh sent unto you, by whom I have ordained you and you to be apostles, and special witnesses of my name the keys of your ministry and of the same things w vealed unto them; Under whom I have committed the kingdom, and a dispensation of the gospel for the la (Doc. and Cov. 27:12, 13.)

"The Melchizedek Priesthood holds the right of p and has power and authority over all the offices in t in all ages of the world to administer spiritual things. T dency of the High Priesthood, after the order of Mel have a right to officiate in all the offices in the chu power and authority of the higher, or Melchizedek Pi is to hold the keys of all spiritual blessings of the churc and Cov. 107:8, 9, 18.)

"The offices of elder and bishop are necessary ap belonging unto the high priesthood." (Doc. and Cov. i

The offices of stake president and counselors are of presidency, and those who are thus appointed mus priests. (Doc. and Cov. 124:134.)

"The power and authority of the lesser, or Aaroni hood, is to hold the keys of the ministering of angels administer in outward ordinances." (Doc. and Cov. 10

" * * * A bishop must be chosen from the High Pri unless he is a literal descendant of Aaron; * * * Neve a high priest, that is, after the order of Melchizedek, set apart unto the ministering of temporal things, h knowledge of them by the Spirit of truth; And also to be in Israel, to do the business of the church, to sit in ju upon transgressors upon testimony as it shall be laid bef

Page 1		Page 4
1	IN THE CIRCUIT COURT OF THE STATE OF OREGON	1 BE IT REMEMBERED THAT, the deposition of LLOYD
2	FOR THE COUNTY OF MULTNOMAH	2 DEAN HALE, MD was taken before Debra C. Symonds,
3		3 Registered Professional Reporter and Certified Shorthand
4	JEREMIAH SCOTT,)	4 Reporter for the State of Oregon, on Thursday, October
5	Plaintiff,)	5 28, 1999, commencing at the hour of 9:15 a.m., In the
6	vs) No. 98-12-08640	6 Conference Room of the law firm of Dunn, Carney, Allen,
7	GREGORY LEE FOSTER, an)	7 Higgins & Tongue, 651 SW Sixth Avenue, Suite 1500, In
8	Individual; THE CHURCH OF)	8 the City of Portland, County of Multnomah, State of
9	JESUS CHRIST OF LATTER-DAY)	9 Oregon.
10	SAINTS, an unincorporated)	10 -:-
11	association, aka, the "Mormon)	11 APPEARANCES:
12	Church," THE CORPORATION OF)	12 DUNN, CARNEY, ALLEN, HIGGINS & TONGUE
13	THE PRESIDENT OF THE CHURCH OF)	13 By Gary E. Rhoades
14	JESUS CHRIST OF LATTER-DAY)	14 and
15	SAINTS, a Utah corporation sole,)	15 Tim Kosnoff and Joel Salmi
16	CORPORATION OF THE PRESIDING)	16 Attorneys at Law
17	BISHOP OF THE CHURCH OF JESUS)	17 Appearin g in behalf of the Plaintiff
18	CHRIST OF LATTER-DAY SAINTS,)	18 BULLIVANT, HOUSER, BAILEY
19	a Utah corporation sole,)	19 By David A. Ernst
20	Defendants.)	20 Attorney at Law
21		21 Appearin g in behalf of the Church Defendants
22	DEPOSITION OF LLOYD DEAN HALE, MD	22 KILMER, VORHEES & LAURICK
23	Taken in behalf of the Plaintiff	23 By Jeffrey M. Kilmer
24		24 Attorney at Law
25	Thursday, October 28, 1999	25 Appearin g in behalf of Defendant Foster
Page 2		Page 4
1	EXHIBIT DESCRIPTION	1 LLOYD DEAN HALE, MD
2	1 Curriculum Vitae	2 was thereupon produced as a witness in behalf of the
3	2 Section 10, Church Discipline - Bates Nos.	3 Plaintiff and, having been first duly sworn on oath, was
4	0010-0022	4 examined and testified as follows:
5	3 The Salt Lake Tribune - Excerpts of the	5
6	Interview with LDS Church Officials	6 EXAMINATION
7	4 Child Abuse - Helps for Ecclesiastical	7 BY-MR. SALMI:
8	Leaders - Bates Nos. 0118-0147 and 0104-0117	8 Q. Dr. Hale, please state your full name and
9	(Exhibits attached hereto)	9 address for the record.
10		10 A. It's Lloyd, L L O Y D, Dean Hale, H A L E. I
11		11 live at West Linn. 4950 Summit Street, West Linn,
12		12 that's Oregon, 97068.
13		13 Q. Dr. Hale, again, I'm Joel Salmi and I
14		14 represent Jeremiah Scott in his lawsuit against Bishop
15		15 Foster and the church defendants, I'll call them. We're
16		16 going to talk about how to designate the church in this
17		17 deposition in a minute, but I wanted to explain to you,
18		18 you've had an opportunity to talk to your attorney today
19		19 or previously about the procedure involved in a
20		20 deposition?
21		21 A. Yes.
22		22 Q. And you understand that when you give
23		23 responses to the court reporter, they need to be audible
24		24 responses rather than shaking your head or nodding?
25		25 A. Yes.

<p>1 stake?</p> <p>2 A. Yes.</p> <p>3 Q. And you've been there about 20 years?</p> <p>4 A. 23.</p> <p>5 Q. And where was the Gabriel Park ward? Was that</p> <p>6 also in the Lake Oswego stake?</p> <p>7 A. No, that would have been, I believe, the</p> <p>8 Beaverton stake.</p> <p>9 Q. Before you joined the West Linn ward, did you</p> <p>10 hold any position on a bishopric of any ward that you</p> <p>11 attended?</p> <p>12 A. No.</p> <p>13 Q. And what positions have you held, if you can</p> <p>14 trace that? From the time you started the West Linn</p> <p>15 ward until the present, what positions have you held in</p> <p>16 the church and what callings have you had?</p> <p>17 A. I didn't have calling of leadership until</p> <p>18 about 1977, and I served for two months as a ward Sunday</p> <p>19 school president, three months as a ward young men's</p> <p>20 president, and then I was called to the high council for</p> <p>21 the Milwaukie stake. I served there for almost three</p> <p>22 years, and then I was called to be bishop of the West</p> <p>23 Linn ward in 1981, served for four years to 1985, went</p> <p>24 back on the -- calling the high council again for three</p> <p>25 years. By then it was the Lake Oswego stake.</p>	<p>Page 17</p> <p>1 A. Yes.</p> <p>2 Q. Are they all members of the Melchizedek</p> <p>3 priesthood?</p> <p>4 A. Right. I should tell you it's Melchizedek,</p> <p>5 and yes, they all are.</p> <p>6 Q. Melchizedek. So there's another syllable in</p> <p>7 there that I was leaving out.</p> <p>8 A. Or the E gets a little different, yeah.</p> <p>9 Q. I'll try and remember that. I just got down</p> <p>10 Melchizedek so I'll see if I can switch gears on that.</p> <p>11 And so you were on the high council for the</p> <p>12 Lake Oswego ward -- or stake until about 1988, and then</p> <p>13 what?</p> <p>14 A. Yes. And then I was called into the stake</p> <p>15 presidency to be the first counselor to the stake</p> <p>16 president.</p> <p>17 Q. Who was the stake president?</p> <p>18 A. Dean Croft, that's D E A N, C R O F T.</p> <p>19 Q. And is there a second counselor as well?</p> <p>20 A. Yes.</p> <p>21 Q. And who was that?</p> <p>22 A. Kent Koski, K E N T, K O S K I.</p> <p>23 Q. And I know that at the ward level the bishop</p> <p>24 and the first and second counselor are called the</p> <p>25 bishopric. Is there a similar designation to the stake</p>
<p>Page 18</p> <p>1 Q. What stake was it in prior to that?</p> <p>2 A. Well, Milwaukie stake divided in 1984. Lake</p> <p>3 Oswego stake formed from Beaverton stake and Milwaukie</p> <p>4 stake, taking wards from those two to make a third one.</p> <p>5 Q. And so you were on the high council of the</p> <p>6 West Linn ward until --</p> <p>7 A. No, the Lake Oswego stake. It's a stake</p> <p>8 calling. I'm called from the West Linn ward, but it's a</p> <p>9 stake calling.</p> <p>10 Q. Tell me who comprises the high council.</p> <p>11 A. 12 men called by the stake president with</p> <p>12 various assignments to help in administrating, teaching,</p> <p>13 training.</p> <p>14 Q. Are they involved in disciplinary proceedings?</p> <p>15 A. Yes.</p> <p>16 Q. What's the role of the high council in</p> <p>17 disciplinary proceedings?</p> <p>18 A. The high council hears the presentation of a</p> <p>19 certain amount of information and give their feeling</p> <p>20 regarding certain matters. The stake president renders</p> <p>21 the decision. The stake high council is asked if they</p> <p>22 can sustain that decision before the individual then</p> <p>23 receives the announcement of that.</p> <p>24 Q. And the high council was comprised of members</p> <p>25 from a variety of wards within the stake?</p>	<p>Page 20</p> <p>1 president and the two counselors?</p> <p>2 A. Stake presidency.</p> <p>3 Q. Stake presidency?</p> <p>4 A. Yes.</p> <p>5 Q. What were your duties as first counselor to</p> <p>6 the stake president?</p> <p>7 A. They're assigned by the stake president who</p> <p>8 has a certain number of responsibilities, and those will</p> <p>9 be divided between the two counselors where we can</p> <p>10 assist him. There's certain responsibilities that he</p> <p>11 cannot delegate. But mine primarily involved the</p> <p>12 teaching, the training and accountability for the adult</p> <p>13 leadership of the stake from the wards, the high</p> <p>14 priests, the elders quorum president, and some of the</p> <p>15 auxiliaries.</p> <p>16 Q. Did you have direct contact in that position</p> <p>17 with ward bishops?</p> <p>18 A. The stake president relates primarily with</p> <p>19 bishops, the counselors with the other adult leaders in</p> <p>20 the ward. So mine was mostly with the presidents and</p> <p>21 group leaders of the adult men's quorums.</p> <p>22 Q. And the adult men's quorums within a ward</p> <p>23 include the --</p> <p>24 A. High priests and elders quorum.</p> <p>25 Q. How were you appointed to the position of</p>

Page 21	Page 23
1 first counselor? Was that by the stake president? 2 A. No. At the time President Croft was called to 3 be stake president, he recommended me as a counselor. 4 And I was interviewed by a general authority of the 5 church who issued the call to President Croft, and then 6 accepted.	1 conducted, whether at the ward level or the stake level. 2 Q. And if the decision is made that the 3 discipline should be conducted at the ward level, after 4 that decision is made, does the stake president have any 5 involvement in the discipline?
7 Q. And at that time, who was the general 8 authority who had responsibility over this -- is it an 9 area? It's called an area?	6 A. Generally, no. And I really never have. That 7 becomes the bishop's responsibility.
10 A. No, it was one of the 12 apostles who is a 11 general worldwide authority, but he had been assigned to 12 this stake conference and to reorganize the stake, call 13 a new stake president. His name was Dallin Oaks.	8 Q. And from your experience, is discipline 9 normally handled at the ward level?
14 Q. How long did you serve as first counselor to 15 the stake president?	10 A. Yes.
16 A. Almost five years.	11 Q. There are exceptions to that, though?
17 Q. So that's getting us up around 1993, as I'm 18 tracking this.	12 A. Yes.
19 A. Right.	13 Q. Is one of the exceptions when the individual 14 who is the subject of the discipline is a member of the 15 Mel --
20 Q. And at that point you were made stake 21 president?	16 A. Melchizedek.
22 A. Yes.	17 Q. Melchizedek priesthood?
23 Q. And how were you called to that position?	18 A. Generally, yes. Sometimes it's conducted at 19 the ward, sometimes at the stake. It's only done at the 20 stake if the candidate -- if the member is a candidate 21 for excommunication.
24 A. One of the general authorities of Carlos Asay, 25 it's A S A Y, came to reorganize the stake when	22 Q. I see. And then is it always done at the 23 stake level?
	24 A. Yes.
	25 Q. In your position as bishop prior to becoming
Page 22	Page 24
1 President Croft was released, and he issued the call to 2 me. 3 Q. And did you go through a similar interviewing 4 process for that position? 5 A. Yes. He will interview all those who might be 6 considered, and then carefully select the one that he 7 feels should be. 8 Q. And you've held that position continuously 9 since 1993? 10 A. Yes. 11 Q. Describe for me the duties of the position, as 12 you know them to be, of stake president. 13 A. Technically, I believe the stake president is 14 responsible for the membership of the entire stake as 15 far as the teaching, the training, the well-being, and 16 for the teaching and training of leaders from the stake 17 and from the wards. 18 Q. And it's not a paid position? 19 A. No. 20 Q. What's the involvement of the stake president 21 in disciplinary proceedings? 22 A. The stake president is aware or informed by 23 bishops of any member for whom discipline should be 24 considered, and participates in the decision as to if 25 there should be discipline and how it should be	1 stake president, did you take confessions? 2 A. That's not a term that's generally used in the 3 church, but people with any concern that would be 4 considered confidential where they would need a 5 discussion with the bishop would come to the bishop. 6 Some of that would involve confessing a major 7 transgression. 8 Q. And some of it would involve just wanting to 9 talk to you confidentially? 10 A. Yes. 11 Q. And in your position as stake president, do 12 you similarly take confessions or talk to people 13 confidentially? 14 A. Yes, but only after they have been to the 15 bishop in most cases, in which case the bishop may have 16 a concern that he feels they should discuss with the 17 stake president and will refer them to the stake 18 president. 19 Q. In your positions, both as bishop and as stake 20 president, I take it you've participated in disciplinary 21 proceedings? 22 A. I don't believe I did as a bishop, but I have 23 as a stake president and as a member of the high 24 council. 25 Q. And in those two capacities, as a member of

<p style="text-align: right;">Page 25</p> <p>1 the high council and as stake president, can you give me 2 a rough estimate as to how many disciplinary proceedings 3 you've been involved with? 4 A. I believe it's probably over 75. 5 Q. And you've been in the position of stake 6 president for six years and then you were on the high 7 council for three years? 8 A. Uh-huh (affirmative response). 9 Q. So these happen every few months, is that -- 10 A. Sometimes there will be a long period of time 11 without and one or two in a year, and then another year 12 there may be more. 13 Q. To the best of your knowledge, and I'm going 14 to discuss this in greater detail when we go through the 15 handbook, but to the best of your knowledge, every 16 church disciplinary proceeding that you've been involved 17 in, has that resulted in the completion of a church 18 disciplinary action form? 19 A. Yes. 20 Q. Is that form something that is distributed in 21 blank form that's on an officially mandated form by the 22 church? 23 A. Yes. 24 MR. ERNST: I'm going to object to the 25 officially mandated. It's ambiguous. Go ahead.</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Yes. 2 Q. And do you know what office those forms come 3 from? 4 A. I don't know that there's a specific office. 5 Q. In your position as stake president, to whom 6 do you report? 7 A. I really don't -- 8 MR. ERNST: I'm going to object to the form 9 because it assumes facts not in evidence. Go ahead. 10 A. I really don't report to anybody. I do send 11 reports of various activities to Salt Lake, and I 12 frankly don't know where many of those go. The clerk 13 sends those. Some of the more official forms such as 14 applications to serve a mission I send to the office of 15 the first presidency. I hope I answered your question. 16 Q. Who is the next highest authority in the 17 church over you? 18 A. For -- Okay. The area presidency has a 19 stewardship for advice and counsel and training, but in 20 terms of the line authority, many issues I would report 21 directly to the first president of the church. They 22 don't go through the area president. 23 Q. So there's the area president. Some issues go 24 through the area president? 25 A. Yes.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Your answer was yes? 2 A. Yes. 3 Q. Is there a form number on that? 4 A. I assume. I don't -- I've never looked. 5 Q. Is that something you receive from Salt Lake 6 City? 7 A. Yes. 8 Q. And are there other forms that are supplied to 9 stakes and wards from Salt Lake City? 10 A. Yes. 11 Q. Can you give me examples of other forms that 12 are provided? 13 A. Another good example would be the counterpart 14 of the discipline form where someone has their blessings 15 restored and they come back into the church. 16 Q. So forms for restoration of blessings? 17 A. Yes. 18 Q. And rebaptism forms, do those exist as well? 19 A. No. There is a form, perhaps, a booklet, but 20 it's a regular baptism book that the bishop has and he 21 fills that out. 22 Q. And do you know -- I made a vague reference 23 earlier to forms having been received from Salt Lake 24 City, and you understood me to mean from the church 25 headquarters there?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And what kinds of issues would go through the 2 area president? 3 A. The reports regarding missionary work, the 4 number of people baptized, the activation of members who 5 have become less involved in the church. 6 Q. And what reports would go directly to the 7 office of the first presidency? 8 A. In terms of reports, I'm of course aware that 9 the disciplinary council reports go directly to the 10 first presidency. I'd have to think about -- Others are 11 not really reports I mail. There are reports the clerk 12 mails, a monthly report, but I -- on activity in the 13 stake, but I don't know the address to which he mails 14 that. 15 Q. And you may have already told me this, and I 16 apologize if I'm asking it again, but who was 17 responsible for appointing you to the position of stake 18 president? 19 A. Carlos Asay. 20 Q. And he's a general authority? 21 A. He's a general authority. First quorum of 70 22 was his stewardship. 23 Q. And was that decision solely his or was that a 24 decision made by the first quorum of 70ers? 25 A. It was solely his decision.</p>

<p>1 consider to be a confession.</p> <p>2 MR. SALMI: Well, Jeff, that was my question,</p> <p>3 actually, so if this is an inaccurate statement of</p> <p>4 doctrine, he can tell me. I don't see that that's</p> <p>5 legitimate.</p> <p>6 MR. KILMER: Your question was not a question.</p> <p>7 Your question was, if they don't intend, in some</p> <p>8 subjective way apparently, it to be confidential, then</p> <p>9 it isn't a confession.</p> <p>10 MR. SALMI: And that's what I was asking him.</p> <p>11 MR. KILMER: No, that wasn't a question, that</p> <p>12 was a statement, and I am objecting --</p> <p>13 MR. SALMI: I asked him to verify whether</p> <p>14 that's true or not, and that's a question. And I</p> <p>15 understand, your objection is noted. I don't think it's</p> <p>16 a valid objection, but it's noted.</p> <p>17 MR. KILMER: Well, it's very valid in this</p> <p>18 case.</p> <p>19 Q. (By Mr. Salmi) Let me rephrase that. Let me</p> <p>20 give you an example. If a member reports to the bishop</p> <p>21 of a church that their child has been molested by</p> <p>22 another member of the church, do you consider that a</p> <p>23 confession?</p> <p>24 A. No, because I consider that the member</p> <p>25 reporting an incident.</p>	<p>Page 41</p> <p>1 your testimony?</p> <p>2 A. That's my understanding, yes.</p> <p>3 Q. As a practical matter, in your experience, do</p> <p>4 you know bishops who share confessions that they've</p> <p>5 received with members of their bishopric?</p> <p>6 A. No, I do not.</p> <p>7 Q. How about sharing those confessions with the</p> <p>8 stake president of the stake over which -- or in which</p> <p>9 their ward is located?</p> <p>10 A. I believe bishops ask the individual or tell</p> <p>11 the individual I need to discuss that or you will need</p> <p>12 to discuss that with the stake president. And in many</p> <p>13 cases they will call me and say a person needs to talk</p> <p>14 to you, and they don't share it unless the person has</p> <p>15 told them it's okay and they feel there's a need to</p> <p>16 prepare me, in a sense, but that's all.</p> <p>17 Q. Under church policy, are children allowed to</p> <p>18 give confessions?</p> <p>19 A. I believe any member who wishes can talk to</p> <p>20 the bishop and tell them about personal matters. And it</p> <p>21 wouldn't necessarily be a confession, it would be</p> <p>22 anything the person felt was confidential. They can</p> <p>23 talk to their bishop in that sense.</p> <p>24 Q. But now I'm asking about a confession in</p> <p>25 particular, and let's say of a major transgression.</p>
<p>1 Q. And in particular, if that member, when they</p> <p>2 report this alleged molestation, ask you to do something</p> <p>3 about it, that's not a confession, is it?</p> <p>4 A. No.</p> <p>5 Q. Assuming that we have a confession that's a</p> <p>6 legitimate, valid confession given to a bishop, are</p> <p>7 there any circumstances under which a bishop is</p> <p>8 authorized to disclose that confession to anyone else?</p> <p>9 MR. ERNST: I'm going to object to the form on</p> <p>10 the use of the word "valid confession." I don't know</p> <p>11 what that means.</p> <p>12 MR. KILMER: And I object on the further</p> <p>13 ground that "anyone else" needs to be qualified as</p> <p>14 opposed to inside and outside of certain church</p> <p>15 doctrines or church hierarchy of authority.</p> <p>16 A. Can you restate it for me, please?</p> <p>17 Q. Yes. Under any circumstances, is a bishop in</p> <p>18 the church authorized to disclose confessions to anyone</p> <p>19 other than the person who confessed to them?</p> <p>20 A. I believe he is not privileged to do that</p> <p>21 unless the person gives their consent for him to discuss</p> <p>22 it with another person who would only be the stake</p> <p>23 president.</p> <p>24 Q. So unless the confessor consents, the bishop</p> <p>25 cannot disclose that confession to anyone else. Is that</p>	<p>Page 42</p> <p>1 Would that confession of a child have the same standing</p> <p>2 as a confession of any other member of the church?</p> <p>3 MR. ERNST: Just a minute. I do want to ask</p> <p>4 for a clarification, Joel.</p> <p>5 MR. SALMI: Sure.</p> <p>6 MR. ERNST: Are you talking about confessions</p> <p>7 as a subset specifically of a specific kind of</p> <p>8 confidential information? Because he's telling you</p> <p>9 people are bringing him confidential information, but</p> <p>10 you're talking about a confession.</p> <p>11 MR. SALMI: I'm talking only about</p> <p>12 confessions.</p> <p>13 MR. ERNST: Do you understand that?</p> <p>14 THE WITNESS: Okay.</p> <p>15 Q. (By Mr. Salmi) Yeah, I'm talking only about</p> <p>16 confessions, not just about something -- you know, some</p> <p>17 private conversation you have with a member. But if</p> <p>18 someone -- if a child comes and confesses, is that</p> <p>19 considered a confession that has the same protection of</p> <p>20 confidentiality as any other confession in the Mormon</p> <p>21 church?</p> <p>22 A. Yes.</p> <p>23 Q. So if a child confesses to a major</p> <p>24 transgression to a bishop, that bishop is not authorized</p> <p>25 to inform the parents of that unless the child consents?</p>

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
)
Plaintiffs,)
)
vs.)
)
THE CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST OF) No. 4-2338 RSM
LATTER-DAY SAINTS, a Utah)
corporation sole, a/k/a "MORMON)
CHURCH"; LDS SOCIAL SERVICES a/k/a)
LDS FAMILY SERVICES, a Utah)
corporation,)
)
Defendants.)

DEPOSITION OF YVONNE A. SHEPPARD

September 23, 2005

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

One Union Square	2208 North 30th Street, Suite 202
600 University St.	Tacoma, WA 98403
Suite 2300	(253) 627-6401
Seattle, WA 98101	(253) 383-4884 Fax
(206) 340-1316	scheduling@byersanderson.com
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25th Anniversary 1980-2005

Yvonne A. Sheppard
September 23, 2005

Exhibit I-44

Byers & Anderson, Inc.
Court Reporters & Video

Page 22	Page 24
1 A Not that I recall.	1 stop by after his practice.
2 Q Do you know or did you know Dr. Herman Allenbach?	2 Q I take it by your answer that you were a frequent
3 A Yes.	3 guest to the property where the Herman Allenbach
4 Q How did you know Dr. Allenbach?	4 family lived?
5 A He's my brother.	5 A Yes.
6 Q Dr. Allenbach was your brother?	6 Q And was that on 132nd?
7 A Yes.	7 Do you know where they lived?
8 Q Could you identify for me all of your brothers and	8 A That was on 256th.
9 sisters, living and dead?	9 Q I'm referring to a fairly large property, acreage,
10 A Marion Romney in California.	10 with several buildings.
11 Q Is that with an "A" or an "O"?	11 A That's off of 256th.
12 A I-O-N, Marion Romney; and then Herman Allenbach, and	12 Q Where did you live in relation to that property?
13 he's deceased; myself; and I have one young sister,	13 A We were at the present house we're in now.
14 Mary Ellen Ralphs, in Texas.	14 Q But I don't have a sense of the distance between
15 Q Did you just give their names in descending order of	15 those two locations.
16 their age?	16 A Five miles, approximately.
17 A Yes, oldest first.	17 Q Did you ever, yourself, live at your brother's
18 Q So you would have been third child?	18 property?
19 A Yes.	19 A Yes.
20 Q Were you close to Dr. Allenbach?	20 Q During what period of time?
21 A Yes.	21 A After we lived in the house in Renton, that time
22 Q Can you give me some sense of how often you saw your	22 period, the house was overcome with spiders like
23 brother?	23 this, and when one crawled across my face, I said,
24 A Every day.	24 "This is it," and I went to my brother and went right
25 Q Did you work with him?	25 to my mother's and stayed until we found the house
Page 23	Page 25
1 A Yes.	1 we're in now. (Indicating.)
2 Q In his oral surgery practice?	2 Q Do you have a sense of how long that period of time
3 A Yes.	3 was?
4 Q How many years did you work for him?	4 Was it weeks or months or years?
5 A Very short time.	5 A Three weeks, four weeks.
6 Q And where was his practice located when you worked	6 Q Can you give me an approximate time period when that
7 for him?	7 would have been that you lived there?
8 A In Renton.	8 A You mean--
9 Q Do you know how many years he was at that location?	9 Q That you temporarily resided there.
10 A No.	10 A As near as I can recall, we were not in the house in
11 Q Do you have an approximate idea how long his office	11 Renton not even a month, so I would have to go back
12 was at that location?	12 to that time frame when we came to Idaho because this
13 A He had an office in Burien and then the office in	13 was so horrendous. I just stayed over there at my
14 Renton, and the nearest I can recall is maybe 35	14 mother's, the whole family did.
15 years that he had been up here and practiced.	15 Q So are you saying you think it was somewhere in the
16 I only worked for him about three months.	16 late 1970s?
17 Q But is it your understanding that the office in	17 A I can't recall. I'm not good at dates. I'm sorry.
18 Renton was his main office?	18 Q I understand, but if you think it was fairly soon
19 A Yes.	19 after you moved to Washington state or if it was many
20 Q You worked for him for a short period of time, but	20 years after that--
21 you stated that you saw him on an almost daily basis.	21 A No, no, very soon after that.
22 How was it that you had so much contact with him?	22 Q Your nieces and nephews, the Allenbach children, were
23 A He had my mother and my aunt that he took care of at	23 you close to them?
24 his place, he would stop by the house, and if I was	24 A No.
25 over taking care of my mother or seeing her, he would	25 Q Any particular reason why?

7 (Pages 22 to 25)

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Exhibit I-45

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<p style="text-align: right;">Page 30</p> <p>1 A Yes. 2 Q And what did he say? 3 A He said it was something that had happened in the past is what he told me. 4 Q What did he say had happened in the past? 5 A He said something had happened in the past concerning that. He did not go into any details. 6 Q You didn't ask him what that something was in the past? 7 A No. 8 Q What else did you talk about? 9 A I don't recall. 10 Q How long was the telephone call? 11 A Five minutes, ten minutes. I don't recall. 12 Q So that I understand, you called him because you were curious and you wanted to know what it was about, and he told you it was about something in the past? 13 A Yes. 14 Q And you don't remember what else was said in that ten-minute conversation?</p> <p style="margin-left: 40px;">MR. NASH: Object to form, but go ahead.</p> <p style="margin-left: 40px;">THE WITNESS: We talked about what he's doing, about his health, his mother's condition, his wife's condition, just general. He wanted to know about my family, how we're doing.</p>	<p style="text-align: right;">Page 32</p> <p>1 When did you first meet Jack LoHolt? 2 A We knew of him. 3 Q How did you know of him? 4 A He worked for my brother, but it was never a "Hi." 5 I guess a difference between knowing and meeting or-- 6 Q How were you aware that he worked for Dr. Allenbach? 7 A My brother had him do construction or whatever. 8 Q Do you know anything more about the kinds of jobs your brother had Jack LoHolt do for him? 9 A No. 10 Q Are you aware of any particular structures or construction projects of your brother that Jack LoHolt worked on? 11 A Yes. 12 Q Which ones? 13 A At the 25 acres in Kent, I know he had construction work out there. 14 Q What kind of construction was it, residential, commercial? 15 A I think it was more residential. There were outbuildings there. He had some type of fertilizing thing going on. 16 Q Did you know about the relationship between Dr. Allenbach and Jack LoHolt before you moved to</p>
<p style="text-align: right;">Page 31</p> <p>1 Q (By Mr. Kosnoff) How did you happen to have Jack LoHolt's telephone number? 2 A His mother had given that to me when she had moved. 3 Q About how long ago was that? 4 A She had given me one number, and then when Jack moved up there, we had a number. 5 Q And where did you get that number? 6 A Jack had given that number to us. 7 Q Before he moved up there? 8 A It was a long time after. 9 Q Okay. Were you aware that Jack LoHolt had been convicted of child molestation in King County in the 1990s? 10 A Yes. 11 Q And were you aware that he was sentenced to prison? 12 A Yes. 13 Q And then after he was released from prison, is it your understanding that that's when he moved to Canada? 14 A Yes. 15 Q And did you have contact with him when he had those legal difficulties here in King County in the 1990s? 16 A Yes. 17 Q And did you support him-- strike that. 18 A We'll come back to this.</p>	<p style="text-align: right;">Page 33</p> <p>1 Washington state? 2 A No. 3 Q So before you moved to Washington state, did you have any awareness of who Jack LoHolt was? 4 A His name had been mentioned, but not that I recall. 5 Q Who had mentioned his name to you? 6 A In conversation, I would think. 7 Q With your brother? 8 A Yeah. My mother had mentioned-- because he was always kind to my mother and aunt. 9 Q Did your mother and aunt live with your brother and his family before you moved to Washington state? 10 A Yes. They lived in a little apartment complex away from the big home. 11 Q "The big home," meaning where Dr. and Mrs. Allenbach and the children lived? 12 A Yes. 13 Q And there was a different structure on the property where your mother-- 14 A And aunt lived. 15 Q Did they live there continuously from the time the Allenbachs lived on that property until you moved here? 16 A No. 17 Q How long did they live there?</p>

9 (Pages 30 to 33)

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Exhibit I-4

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1 A I would have to go back-- you would have to go back
 2 in time when we moved from Utah to Idaho, whatever
 3 time sequence that was, my brother had my mother come
 4 up there to live with them because he could help her.
 5 Q And how many years did they live there?
 6 A From the time that my mother passed away and my aunt
 7 passed away.
 8 Q When did they pass away?
 9 A I don't remember. I don't recall.
 10 Q Was it before you moved to Washington?
 11 A No.
 12 Q It was after?
 13 A After, yes.
 14 Q Do you know how many years they were living with your
 15 brother before you moved to Washington?
 16 A I don't recall exactly, but I know when my mother got
 17 sick, I know there was a time that we were coming to
 18 Washington to live, so I don't know how many years it
 19 was before.
 20 Q Were you aware that Jack LoHolt was living with the
 21 Allenbachs at one point in time?
 22 A No.
 23 Q The main house that you referred to, did it have a
 24 downstairs apartment?
 25 A Yes.

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1 Q Were you ever aware that Jack LoHolt was living in
 2 that downstairs apartment?
 3 A No.
 4 Q Where did Jack LoHolt live when he lived here and you
 5 knew him?
 6 A In a house off of 256th.
 7 Q Okay. Were you ever at that house?
 8 A No.
 9 Q Do you know who owned that house?
 10 A No.
 11 Q Did you become friends with Jack LoHolt at some point
 12 in time?
 13 A Yes.
 14 Q And approximately when in relation to when you moved
 15 to Washington?
 16 A As far as friends, I would say it would be two or
 17 three years later.
 18 Q And what were the circumstances of you becoming
 19 friends with Jack LoHolt?
 20 A I mean, I would see him. He would be at the parties.
 21 He was invited in the home.
 22 Q Which parties are you referring to?
 23 A Any birthday party or Herman's birthday.
 24 Q At the Allenbachs'?
 25 A At the Allenbachs', and I would see him doing

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1 equipment work on the bulldozer and I would wave.
 2 Q Was he ever a guest at your home?
 3 A Yes.
 4 Q On how many occasions?
 5 A Five.
 6 Q What kind of occasions would he be-- what type of
 7 occasions?
 8 A Birthday parties or just a barbecue.
 9 Q Did Jack LoHolt ever do any work for you?
 10 A Yes.
 11 Q What kind of work?
 12 A Helping us dig a ditch that came up from the pump
 13 house into our backyard. He has one of those
 14 equipment things-- we had to run a new line, but that
 15 was the only time.
 16 MR. KOSNOFF: Let's take a short break.
 17 (Recess 12:07 to 12:12 p.m.)
 18
 19 Q (By Mr. Kosnoff) Mrs. Sheppard, you've previously
 20 testified that you saw your brother on an almost
 21 daily basis after you moved to Washington state.
 22 How often did you speak to him before you moved
 23 to Washington state?
 24 A Quite often, at least once or twice a week.
 25 Q Would it be fair to say that you were acquainted with

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1 his life and activities here in Washington state,
 2 even though you lived in another state?
 3 MR. NASH: Object to form; vague.
 4 THE WITNESS: No.
 5 Q (By Mr. Kosnoff) Did he ever talk to you about
 6 church matters?
 7 A No.
 8 Q Do you know what positions, offices or callings your
 9 brother held in the Mormon church?
 10 A I want to say a gospel doctrine class, genealogy
 11 class.
 12 Q Were you ever acquainted with him being a bishop?
 13 A No.
 14 Q To your knowledge, was he ever a bishop?
 15 A Not to my knowledge.
 16 Q To your knowledge was he ever a first or second
 17 counselor on a bishopric?
 18 A Not to my knowledge.
 19 Q Do you know whether he ever held any offices or
 20 positions at the stake level?
 21 A I don't recall.
 22 Q Was Dr. Allenbach, to your knowledge, involved in the
 23 ward's Scouting program?
 24 A I'll say I don't recall, but I know he had boys in
 25 Scouting. He had Jimmy in Scouting and Ricky and

10 (Pages 34 to 37)

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1 Brent, so I don't know what capacity he held those
2 jobs. That was way before we came.
3 Q Do you know whether Dr. Allenbach was involved as an
4 adult volunteer in Scouting in the ward?
5 A I don't recall.
6 Q When you knew Jack LoHolt, was he married or single?
7 A He was single.
8 Q I understand he's married now?
9 A Yes.
10 Q And I understand he's married to a woman who has
11 children in the home.
12 A In the home?
13 Q Yes.
14 A I don't know.
15 Q Do you know whether his wife has children?
16 A She has children.
17 Q But you don't know whether they're in the home or
18 not?
19 A No.
20 Q Have you ever met his wife?
21 A One time.
22 Q And when was that?
23 A She came down here with him.
24 Q Was that after he was out of prison?
25 A Yes.

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1 Q Did they spend the night at your home?
2 A I don't recall.
3 Q Has Jack LoHolt ever spent the night in your home?
4 A I don't recall.
5 Q How long did Jack and the woman who was to be his
6 wife-- what is her name?
7 A Sandy.
8 Q How long did they stay?
9 A A short time.
10 Q Could you define "a short time"?11 A A few hours.
12 Q Okay. What did you do while they were there?
13 A Talk.
14 Q Okay. Did you have a meal?
15 A We had to have had, I think. I don't know how to
16 answer that.
17 Q You were aware that Jack LoHolt was convicted of
18 molesting a young girl?
19 A Yes.
20 Q And did you know that young girl?
21 A No.
22 Q Did you know her name?
23 A Yes.
24 Q What was the name?
25 A Chelsea.

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1 Q Was it your understanding that Jack LoHolt married
2 his wife sometime after he was released from prison
3 in the 1990s?
4 A I don't recall how long he's been married.
5 Q Where was it that you met his wife when they came
6 down?
7 A She came down here for some type of business, and I
8 had met her.
9 Q Was she with Jack LoHolt or was she alone?
10 A She was with Jack's mother. I think his mother came
11 down.
12 Q Was Jack there?
13 A Jack brought her down, and then that's when I first
14 met her because Jack was with her. He introduced her
15 to us.
16 Q And where did that introduction take place?
17 A He brought her to our home.
18 Q So when Jack LoHolt came with his wife--
19 A They weren't--
20 Q He wasn't married then?
21 A No.
22 Q But she was the woman he eventually married?
23 A Yes.
24 Q Did they come to your home?
25 A Yes.

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1 Q And the last name?
2 A Wieder.
3 Q Did you know her parents?
4 A The mother, briefly.
5 Q How did you know her?
6 A She worked for my brother.
7 Q In his oral surgery practice?
8 A Yes.
9 Q You say you met her or knew her briefly--
10 A The mother or the daughter?
11 Q The mother.
12 A She was the receptionist in the clinic, and I would
13 come in and say, "Hi" or go back and visit with my
14 brother, and that was about it.
15 Q How did you get along with Mrs. Wieder?
16 A Well, there was no association there. I mean it was
17 just, "Hello."
18 Q Did you have any or do you have any strong feelings
19 or opinions about Mr. and Mrs. Wieder?
20 A I don't know how to answer that.
21 Q Would you rephrase it?
22 Q Do you have any strong feelings or opinions about
23 Mr. and Mrs. Wieder?
24 A No.
25 Q You don't have any opinions one way or the other

11 (Pages 38 to 41)

Exhibit I-48

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- 1 A No.
 2 Q No?
 3 A I don't know how to explain that. I know Mrs. Wieder
 4 would have him pick up her daughter. Knowledgeably
 5 she would ask Jack to pick up her daughter and take
 6 her home from the bus stop or take her to school or
 7 something in that respect, but he was-- maybe that's
 8 just the way I felt at the time.
 9 Q Were you aware that Jack was spending time alone with
 10 the Wieder daughter?
 11 A No.
 12 Q Well, you just indicated that he would pick her up
 13 and take her home?
 14 A Well, this is after the whole situation came out is
 15 when I was aware of that. I was not aware of it when
 16 it was actually happening.
 17 Q You were aware that the Wieder family rented a home
 18 from your brother at the Allenbach property?
 19 A Yes.
 20 MR. NASH: Object to form.
 21 What's the time frame?
 22 Q (By Mr. Kosnoff) During the period of time that the
 23 daughter was being abused, the late 1980s.
 24 A I did not know she was being abused.
 25 Q But did you know that the family was renting a rental

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- 1 home from your brother in the 1980s?
 2 A If that's the time frame, yes, I knew they were
 3 renting a home.
 4 Q Okay. Did you know how much contact Jack was having
 5 with the Wieders' daughter during the time that they
 6 were living at your brother's property?
 7 A No.
 8 Q The next sentence you write, "In our honest and with
 9 great sincerity, he is not a threat in any way to
 10 society or a menace to any children."
 11 I'm referring to the last sentence on the first
 12 page.
 13 A Okay. I'm with you.
 14 Q What was that sentence meant to convey, in your mind?
 15 A Exactly what I said. "In our honest and with great
 16 sincerity, he is not a threat in any way to society."
 17 This was our first-- all of a sudden we're told
 18 about this and away he goes, but in my opinion he was
 19 never a threat to my children.
 20 Q You were aware that the reason he was at sentencing
 21 is because he had pleaded guilty to felony sex abuse
 22 of the Wieder daughter, right?
 23 MR. NASH: Object to form; lack of
 24 foundation.
 25 You may want to ask her that.

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- 1 Q (By Mr. Kosnoff) Were you aware that he had pled
 2 guilty?
 3 A Yes.
 4 Q And you knew that he pled guilty to criminal sexual
 5 abuse of a child, correct?
 6 A Yes.
 7 Now, am I contradicting myself.
 8 This letter was written before I knew what was
 9 going on in the courtroom.
 10 Q So before you wrote this letter, you didn't know that
 11 he had pled guilty?
 12 A I don't think so.
 13 Q When you wrote this letter, you didn't know that he
 14 had actually admitted to the crimes with which he was
 15 charged?
 16 A Not fully.
 17 Q The next page you write, "He has been around our
 18 grandchildren of which we have seven, and one is a
 19 girl 8."
 20 Is that true?
 21 A Yes.
 22 Q You write, "We would feel comfortable if we left them
 23 in his charge."
 24 Is that correct?
 25 A Yes.

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- 1 Q And that was the way you felt at the time you wrote
 2 this letter?
 3 A Yes.
 4 Q Because you didn't have any other information about
 5 Jack's conduct with children?
 6 A No.
 7 Q Weren't you concerned, regardless of whether he had
 8 pled guilty, that he was even accused and was in
 9 court when you wrote this letter?
 10 MR. NASH: Object to form.
 11 Go ahead.
 12 THE WITNESS: Would you please rephrase
 13 that?
 14 Q (By Mr. Kosnoff) You wrote this sentence knowing
 15 that Jack was at least accused of sexual misconduct
 16 with a child of some kind, correct?
 17 A Mm-hm.
 18 Q You've testified before that you didn't know that he
 19 had pleaded guilty when you wrote the letter.
 20 A Well, wasn't there two court hearings? Wasn't there
 21 a hearing and then the sentencing?
 22 Q There may have been multiple hearings, but you knew
 23 at a minimum that he was accused and was in court
 24 related to the accusations?
 25 A Yes, I suppose.

18 (Pages 66 to 69)

Exhibit I-49

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